

GAHC010273322023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/4108/2023

BIKRAM MALI
S/O NITAI MALI, R/O JOLDOBA PART I, P.S.-KAZIGAON, KOKRAJHAR,
BTAD, ASSAM, PIN-783334
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P K DAS
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.02.2024

Heard Mr. PK Das, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application filed under Section 438 CrPC by the petitioner seeking pre-arrest bail, apprehending arrest in connection with Kazigaon PS Case No. 61/2023 registered under Sections 341/ 354A(1)(i), 376/511 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he has not committed any offence as alleged in the FIR. The allegation of attempt of rape on victim is totally false and concocted. However, the petitioner is ready and willing to cooperate with the investigation, if he is granted the privilege of pre-arrest bail.

In this context, Mr. Borthakur, learned Addl. PP has submitted as per the statement of the victim recorded under Section 164 Cr.P.C. she has stated that the accused attempted to commit rape on her but she refused to go on medical examination. However, the other witnesses supported the case of the prosecution. But, considering the nature of the allegation, the prayer for pre-arrest bail may be considered.

I have considered the submissions of the learned counsel for the parties and other aspects of the case as well as considering materials available in the case diary; I find that further custodial interrogation of the accused/ petitioner may not be necessary.

Accordingly, it is provided that in the event of arrest of the petitioner in connection with the aforesaid case, petitioner be released on pre-arrest bail on furnishing a bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the following conditions that:-

1. the petitioner shall appear before the I.O. within 7 days from today.
2. the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
3. the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any other police officer, and
4. the petitioner shall not hamper the investigation or temper with the evidence of the case.

The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant