GAHC010100952020

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

Case No. : AB 1853/2020

1:SORAB ALI SK.
S/O KHOLIL SK, VILL-BHATI PETLA, P.S.-TAMARHAT, DIST-DHUBRI, ASSAM, PIN-783332

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 16-10-2020

Heard the learned counsel Mr. J. Kalita appearing for the petitioner. Also heard Mr. H. Sharma, the learned Addl. P.P. for the State of Assam.

The petitioner Sorab Ali Sk. has prayed for pre-arrest bail under Section 438 Cr.P.C. in the matter of Tamarhat P.S. Case No. 165 of 2020 registered under Sections 448/427/354/376/511 of the Indian Penal Code.

A 35 years old lady has brought an allegation against the petitioner that he had illegally entered into her house and attempted to commit rape upon her.

While giving the statement under Section 164 Cr.P.C., the informant has resiled from her earlier stance. This time she has stated that the accused pulled her by holding her hand.

The learned counsel for the petitioner has also submitted that because of political rivalry this FIR has been filed by false accusation.

Today after perusal of the case Diary, I find that there is no sufficient material to justify detention of the petitioner in the custody. Therefore, pre-arrest bail of the petitioner is allowed. The interim bail granted to the petitioner on 27.08.2020 by this Court is made absolute.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant