GAHC010155342020

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

Case No. : AB/3090/2020

INTAJ ALI
S/O SOMIR ALI, R/O VILL-NO. 2 UTTAR SEKADARI, P.S.-BOKO, DIST-KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

09.12.2020:

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, ***Intaj Ali,*** in connection with ***Boko PS Case No. 954/2020*** registered under Section 376 of the IPC.

Case diary produced has been perused, particularly the statement of the victim recorded under section 164 Cr.P.C. In her such statement, the victim has stated that she was in love with the accused-petitioner since long and that on

the date of occurrence, she left at night with the petitioner with a view to get married with him. She alleged that rape was committed on her while she was leaving with him in the night of the date of occurrence. From the statement of the victim, it does not appear to this Court that the alleged commission of rape was taken place without the consent of the victim. However, this view is only for the limited purpose of this bail application.

However, Mr. M. P. Goswami, learned Additional Public Prosecutor has also pointed out that the FIR was lodged after about 5 months of the alleged date of occurrence.

Considering the above aspects, it is the considered view of this Court that the petitioner deserves the privilege of pre-arrest bail.

Accordingly, the interim pre-arrest bail granted to the petitioner vide order, dated 05.11.2020, by a Coordinate Bench of this Court, is made absolute on the same terms and conditions.

This petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant