GAHC010157202020

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

Case No. : AB/3141/2020

MANIRUDDIN @ MANIRUDDIN SARKAR
S/O- AKBAR ALI @ AKBAR SARKAR, R/O- VILL- KHARUWAPARA, P.S. AND DIST.- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

09.12.2020

By this pre-arrest bail application under Section 438 CrPC, petitioner, namely, Maniruddin @ Maniruddin Sarkar, has sought for pre-arrest bail, in the event of his arrest in connection with Barpeta PS Case No. 785/2020, under Section 376 IPC.

Heard the learned counsel for both the sides.

Also perused the record and the Case Diary.

The victim is a married woman and the present petitioner is her brother-in-law. Although she has alleged commission of rape as per the FIR, but in her statement under Section 164 CrPC, she has stated that the accused simply attempted to commit rape upon her, which is contrary to the allegation made in the FIR.

The stand of the victim girl appears to be different in different stages and the witnesses so far examined have also not clearly supported the allegations made against the petitioner. That apart, there was a delay of 7 (seven) days in filing the FIR, which is not explained.

Considering all entirety of the matter and the statement of the victim, which itself is in dark, it will be proper to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the present petitioner, is allowed to go on pre-arrest bail on furnishing bail bond of Rs. 20,000/-, with one surety of the like amount to the satisfaction of the arresting authority with further direction to the petitioner to appear before the IO within 15 days from today and to cooperate with the investigation of the case, as and when required.

Anticipatory Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant