GAHC010158602020

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

Case No. : AB/3183/2020

ASMAT ALI
S/O LATE JALIL ALI, R/O VILL-HABLAKHA, P.S.-HAJO, DIST-KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 03-12-2020

03.12.2020

Heard Mr. B Chowdhury, learned Counsel for the petitioner and Mr. NK Kalita, learned Addl.Public prosecutor for the State respondent.

By this petition under Section 438 Cr.P.C., the petitioner, namely**, Asmat Ali** has prayed for pre-arrest bail apprehending arrest in connection with **Hajo PS Case No.1145/2020** under Sections 448/354 A/354B of the IPC read with Section 8 of the POCSO Act.

The case diary is received.

The FIR reveals that on 23.10.2020 at about 11 am, while the informant's younger sister was sleeping alone in her house, the petitioner entered into the house and tried to commit rape on her.

Perusal of the case diary and statement of the victim girl recorded under Section 164 of the Cr.P.C. clearly reveals prima facie incriminating materials against the petitioner who is named in the FIR. The investigation is yet to be completed and therefore, this Court is of the view that it is not a fit case to grant the petitioner the privilege of pre-arrest bail at this stage.

Accordingly, the anticipatory bail application is rejected.

Return the case diary.

The anticipatory bail application stands disposed off.

JUDGE

Comparing Assistant