GAHC010159702020

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

Case No. : AB/3213/2020

DILDAR ALAM AND ANR.
S/O SABED ALI, R/O VILL-BANGLIPARA, P.S.-BARPETA, DIST-BARPETA, ASSAM

2: RAFIK ALI @ RAFIK UDDIN
S/O LATE MUKSED ALI
R/O VILL-BANGLIPARA
P.S.-BARPETA
DIST-BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

07-12-2020

This is an application, filed **under Section 438 Cr.P.C.**, praying for pre-arrest bail of the petitioners, namely, **1. Dildar Alam** and **2. Rafik Ali @ Rafik Uddin,** in connection with **Barpeta Police Station Case No. 2079/2020**, (corresponding to GR Case No. 4807/2020), registered **under Section 376(D) of the IPC**.

The case diary produced, has been perused including the statement of the victim under Section 164 of the Cr.P.C.

Heard Mr. H.R.A. Choudhury, learned senior counsel appearing for the petitioners and Ms. A. Begum, learned Additional Public Prosecutor, appearing for the State.

There are sufficient incriminating materials coming out from the statement of the victim in respect of commission of rape on her person. She has also narrated the manner in which rape was committed on her by the petitioners.

Considering such materials in the case diary, the petitioners do not deserve to be granted the privilege of pre-arrest bail.

Accordingly, the prayer for pre-arrest bail made by the petitioners, above named, is **rejected**.

In terms of the above this petition stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant