GAHC010164472020

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

Case No. : AB/3331/2020

SANOWAR HUSSAIN
S/O LATE ABDUL SATTAR @ ABDUS SATTAR, VILL-MULBARI, P.S.-MERERCHAR, DIST-BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. MD S HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

09-12-2020

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Sanowar Hussain,** in connection with **Mererchar Police Station Case No. 110 of 2020**, registered **under Sections 448/376/511 of the IPC**.

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

Heard Mr. S. Hoque, learned counsel appearing for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

It appears from the materials in the case diary, particularly, the statement of the victim, recorded under Section 164 of the Cr.P.C., that the petitioner only attempted to commit rape on her person.

That being so, in the considered view of this Court, custodial interrogation of the petitioner is not essential for the purpose of investigation of the case. Therefore, the petitioner is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on furnishing bail bond of **Rs.10,000/-**, with **a suitable surety** of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant