GAHC010166552020

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

Case No. : AB/3349/2020

ABDUL WAHAB MOLLAH
S/O- LATE AKBAR MOLLAH, VILL-NO.1 GARUGAON(SIBIR), PO-GARUGAON, PS- BONGAIGAON, DIST- BONGAIGAON, ASSAM. PIN- 783390

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

21-12-2020

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Abdul Wahab Mollah,** in connection with **Bongaigaon Police Station Case No. 265 of 2020**, registered **under Section 376 of the IPC**.

Heard Mr. S. Ahmed, learned counsel appearing for the petitioner, and Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam.

The case diary produced has been perused together with the statement of the victim.

The statement of the victim has clearly implicated the petitioner with the commission of rape on her person. Immediately after the occurrence, the victim reported the matter to two witnesses that accused-petitioner had committed rape on her person. The submission made

by the learned counsel for the petitioner is that one Lat Mandal has framed the petitioner through the informant as the petitioner was raising voice against his corruption. However, such submission does not appear to this Court to have been substantiated by any of the materials in the case diary.

That being so, in the considered view of this Court, the petitioner does not deserve to be granted the privilege of pre-arrest bail to the petitioner. Accordingly, the prayer for pre-arrest bail made by the petitioner is **rejected**.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant