GAHC010170272020

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

Case No. : AB/3426/2020

BANBHASHA SK
S/O LATE MAHAN SHEIKH, R/O VILL-KUMARGATI, P.S. AND DIST-DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

16-12-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, ***Banbhasha Sk,*** in connection with ***Dhubri Police Station Case No.1458 of 2020,*** registered under Sections ***341/354/457/376/506*** of the Indian Penal Code.

Heard Mr. S. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State Respondent.

Case diary produced has been perused including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In her such statement, the victim has categorically implicated the accused petitioner and she has even narrated the mode and manner in which the offence of rape was committed on her person by the petitioner.

Such statement of the victim prevents this Court from granting the privilege of pre-arrest bail to the petitioner.

Accordingly, the prayer stands rejected.

The anticipatory bail application, accordingly, stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant