GAHC010177622020

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

Case No. : AB/3554/2020

LATIFUR ROHMAN
S/O KHELILUR ROHMAN, R/O VILL-AMGURI GAON, P.O.-METEKA, DIST-SIVASAGAR, ASSAM

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 AJIT BORTHAKUR

ORDER

Date : 21-12-2020

Heard Mr. HRA Choudhury, learned Senior Counsel for the petitioner and Ms. SH Borah, learned Addl.Public prosecutor for the State respondent.

By this petition under Section 438 Cr.P.C., the petitioner, namely**, Latifur Rohman** has prayed for pre-arrest bail apprehending arrest in connection with **Bhogamukh PS Case No. 31/2020** under Sections 354/354B of the IPC read with Section 8 of POCSO Act (GR No.4070/2020).

The case diary is received.

Mr. HRA Choudhury, learned Senior Counsel for the petitioner, submits that the petitioner has been falsely implicated in the case. According to Mr. Choudhury, the petitioner, a teacher of ME School gave some questions to the victim girl who is a student of Class-6 and when she could not answer the questions, the petitioner rebuked her and therefore, out of grudge, a false FIR had been lodged. Mr. Choudhury further submits that in this regard the Headmaster of the school held a meeting of School Managing committee on 13.11.2020 and in the said meeting, a resolution was adopted to the effect that the allegation brought against the petitioner is false and fabricated. Therefore, Mr. Choudhury submits that the petitioner may be granted the privilege of pre-arrest bail so that he can participate in the fair investigation into the case.

Opposing the bail application, Ms. SH Borah, learned Addl.P.P. submits that the victim in her statements recorded u/ss 161 and 164 Cr.PC has clearly implicated the petitioner with the alleged offence. Ms. Borah further submits that the evidence so far collected by the I.O. clearly implicate the present petitioner and as such, he may not be granted the privilege of pre-arrest bail.

On perusal of the statements of the victim girl, aged about 12 years, who is a student of Class-vi, it appears that there is consistent statement implicating the petitioner although the proceeding of the meeting of the School Managing Committee found him not guilty of the alleged offence.

Having considered the statements of the victim and the pros and cons of the evidence, so far collected by the I.O. and on perusal of the case diary , this Court is of the view that if the privilege of pre-arrest bail is granted to the petitioner, it may cause hindrance to the ongoing investigation into the case.

Therefore, in the aforesaid backdrop and circumstances of the case, the anticipatory bail application of the petitioner is rejected.

The anticipatory bail application stands disposed off.

JUDGE

Comparing Assistant