GAHC010281522019

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

Case No. : AB 4132/2019

1:ABDUL MOTIN
S/O LATE NUR MOHAMMAD, R/O VILL-BHALUKDUBI, P.S.-GOALPARA, DIST-GOALPARA, ASSAM, PIN-783121

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M H TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 10-01-2020

Heard Mr. M.H. Talukdar, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State.

This application under Section 438, Code of Criminal Procedure, 1973 has been filed praying for bail of the petitioner viz. Abdul Motin who has been in detention in connection with Goalpara Police Station Case No. 231/2019, registered under Sections 448/376, I.P.C.

The concerned case diary, as called for, has been received.

The materials available in the case diary reveals that in the statement of the victim

recorded under Section 164 Cr.P.C. she has specifically implicated the petitioner.

Having regard to the contents of the FIR and the materials available in the case diary including the statements recorded under section 164, Cr.P.C., this Court is of the considered view that this is not a fit case to extend the privilege of pre-arrest bail under Section 438, Cr.P.C. to the petitioner.

Accordingly, this application seeking pre-arrest bail under Section 438, Cr.P.C., stands rejected.

JUDGE

Comparing Assistant