GAHC010314562019

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

Case No. : AB 4572/2019

1:ABDUL SATTAR
S/O LATE KHOBIR UDDIN, VILL-BAKUABHANGI, P.S.-BILASIPARA, DIST-DHUBRI, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. J RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 30-01-2020

This is an application under Section 438 CrPC filed by the petitioner, namely, Abdul Sattar, praying for grant of pre-arrest bail in connection with Bilasipara Police Station Case No. 912/2019, registered under Section 448/354/307 of the IPC read with Section 8 of the POCSO Act.

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. N. K. Kalita, learned Additional Public Prosecutor, Assam.

Perused the materials on record including the Case Diary as well as the statement of the victim girl produced by the learned Additional Public Prosecutor, Assam.

Perusal of the statement of the victim girl reveals that the accused-petitioner, who is aged about 53 years, had committed sexual assault upon the minor victim girl, who is about 12 years of age.

In view of the fact that there is sufficient evidence in support of the allegations made against the accused-petitioner, this Court is of the opinion that the petitioner is not entitled to be granted the privilege of pre-arrest bail.

Accordingly, the petitioner's prayer for pre-arrest bail is rejected and the Anticipatory Bail Application is dismissed.

Let the Case Diary be returned to the learned Additional Public Prosecutor.

JUDGE

Comparing Assistant