

Misc. CrI. (bail) Case No. 195 of 21

08-07-2021

Seen the petition filed U/s.438 of Cr.P.C. seeking pre-arrest bail by accused/petitioner Md. Babul Hussain apprehending arrest in connection with Dhekiajuli P.S. case no. 351/21 (corresponding G.R. Case No. 1974/21) U/s. 376(AB) of IPC read with Sec. 4 of POCSO Act.

Case diary, as called for, has been received and perused the same. Also heard Id. Counsel for both the sides through video conferencing.

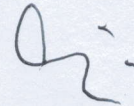
Brief fact of the case is that on 10-6-21 at about 6:30 p.m. while the minor daughter of the informant, aged about 9 years 2 months, was coming towards her home from the paddy field, the accused named in the FIR suddenly gagged her mouth and forcefully committed rape on her.

On perusal of the case diary it appears that the investigating officer has recorded the statement of several witnesses. Moreover, statement of the alleged victim girl was also recorded U/s.164 of the Cr.P.C. which is absolutely incriminatory against the present accused/petitioner. I am, therefore, of the view that the accused does not deserve to be granted the relief of pre-arrest bail in this case.

Consequently, the prayer for pre-arrest bail stands rejected.

Let the case diary be sent back.

Misc. case stands accordingly disposed of.



(N. Akhtar)
Additional Sessions Judge
Sonitpur, Tezpur
Addl Sessions Judge
Sonitpur, Tezpur

C.D. of Dki
P.S. case 351/21
sent to o/c
Dki P.S.
through
P.I. (102 pm)
8/7/21