

Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur

Tezpur PS Case No-1736 of 2021

GR Case No-2796 of 2021

U/S-406/376 of IPC

ORDER

24.08.2021

C.R put up today along with bail petition bearing No-532/2021 filed by the petitioner named Md. Saddam Hussain praying bail of accused person Md. Ariful Islam.

Heard both the sides and perused the petition with the case record.

On perusal of the case record it unveiled before this court that criminal law sets in motion closely lodging an ejahar by informant named Md. Abdul Rahim on 18.08.2021 before the O/C of Tezpur PS through I/C of Salonibari Police outpost alleging that on 15.08.2021 his daughter Miss "X" (name withheld) aged about 18 years has been eloped with by the above-named accused person with a promise to marry her. It is also alleged that the said accused had done sexual intercourse with her forcefully and thereafter, on the next morning the above-named accused left the victim. It is further alleged that his daughter thereafter took shelter in a relative house situated at Jahajduba gaon for a night and waited for the accused. When the accused did not come to pick up the victim, she went to the house of accused on 17.08.2021 and thereafter, the family member of the accused physically assaulted her and also drove her out from their house by using filthy languages.

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Subsequently, Tezpur PS Case No-1736 of 2021 was registered under section-406/376 of the Indian Penal Code and thereafter, the above-named accused person apprehended and produced before this court on 21.08.2021 and since then he has been languishing in judicial custody.

At this stage without entering into the merits of entire dispute in hand this court finds that the investigation is pending at premature stage. The alleged offence is non-bailable and cognizable in nature. The nature of alleged offence deserves meticulous investigation.

More also, the I.O also deserves a fair chance to open the entire jacket from the alleged incident holding a proper and comprehensive investigation.

Therefore, bearing in mind all the aspect this court not finds anything sensible upon which the bail prayer of accused person, named, Md. Ariful Islam may be considered at this stage. More also, release of the accused person from judicial custody may hamper and temper the investigation of this case.

Hence, in the result bail prayer of the accused named, Md. Ariful Islam stands rejected due to devoid of any merits.

Inform all the concerned.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur