

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

Tezpur PS Case No-1623/2021

GR Case No-2623/2021

U/S-376/406 of IPC

ORDER

12.08.2021

C.R put up today along with bail petition bearing No-485/2021 filed by petitioner named Md. Atabur Rahman praying bail of accused person, named, Md. Motibur Rahman.

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 on 06.08.2021 lodging an ejahar by the informant Mrs. "X" (name withheld) alleging that around seven months back (from the date of filing FIR) she introduced with the FIR named accused at Tezpur and thereafter, he got her mobile number. It is also alleged that the above-named accused made false promise of love and thereafter, without her own consent the above-named accused committed rape on her at Tezpur Ex-Police Line.

Subsequently, Tezpur PS Case No-1623 of 2021 was registered under section-376/406 of Indian Penal Code and thereafter, accused person, Md. Motibur Rahman was apprehended and produced him before the court on 11.08.2021 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.

12.08.2021

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. Motibur Rahman** 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. Motibur Rahman** stands rejected due to devoid of any merits.

Inform all the concerned.

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