

Tezpur PS Case No-904 of 2022

GR Case No-1684 of 2022

U/S-420/376/34 of IPC

ORDER

01.09.2022

Case record put up today along with bail application no-1143/2022 filed by petitioner namely, Md. Abdur Rafiz praying bail of the accused person, namely, Md. Sariful Islam. Heard learned counsels of both sides on the instant petition. Also perused the instant petition. The learned advocate of the petitioner has submitted that the above-named accused person is innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that in the event of his release of bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the accused person.

The prosecution story in brief is as follows that on 16.08.2022 the complainant Miss "X" (name withheld) has lodged the ejahar to the effect that the above-named accused person promised her to marry and thereafter, the accused committed rape on her. It is also stated that on 04.08.2021 the accused made a Deed of Marriage Agreement through Notary wherein the accused assured that he would marry her within a period of one year. Hence, the case.

The case is under very initial stage and the alleged offence is non-bailable and cognizable in nature. The alleged offence of section-376 of IPC is exclusively triable by Hon'ble Court of Sessions. At this stage, if the accused person is released on bail, the whole process of investigation of this case will be hampered. So, under such circumstances, considering the gravity and seriousness of offence alleged against accused person and the initial stage of investigation, I find that this is

01.09.2022

not a case where the accused person can be relied upon and enlarged on bail.

Accordingly, the bail petition No-1143/2022 filed on behalf of the above-named accused persons stands rejected.

Inform all the concerned.

Sri Nabajit Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur