

**Present: C.B. Gogoi, Sessions Judge,  
Sonitpur, Tezpur.**

**Misc.(Crl) Case No. 497/2021**

**ORDER**

**03-01-2022**

This is an application u/s 438 Cr.P.C. filed by accused/petitioner Nurjamal Ali in connection with Thelamara P.S. Case No. 132/2021 corresponding to G.R. Case No. 2997/2021 u/s 366(A) IPC.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary received today.

Learned counsel appearing for the state Sri Munin Baruah objected the bail petition contending inter alia that there are sufficient materials against the accused in the case diary. So, accused do not deserve pre-arrest bail.

On the other hand, learned counsel appearing for the accused/petitioner submitted that the girl voluntarily eloped with the accused without any force, coercion or threat. Therefore, accused deserve to be released on pre-arrest bail.

However, having heard the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary, it appears that the daughter of informant disappeared from house on 10-09-2021 and on discreet search it is learnt that accused named in the FIR kidnapped his daughter and kept her confined somewhere else. In her statement recorded by Magistrate u/s 164 Cr.P.C. the girl stated her age to be 16 years and also admitted her affairs with accused. However, the girl also stated that accused took her on the promise of marriage and had sexual intercourse with her and left her and married another girl.

From the very statement of the girl, it is apparent that accused exploited the minor girl under false promise who is under 18 years of age knowing it fully well that he seduced her or forced her to have illicit intercourse with him.

Therefore, considering the nature and gravity of the offence and the material found in the case diary, this court do not consider it a fit case to grant the benefit of pre-arrest bail to accused/petitioner Nurjamal Ali.

In the result, pre-arrest bail application stands rejected.

Send back the case diary in seal cover.

Accordingly, Misc(Crl.) case disposed of.

Sessions Judge  
Sonitpur, Tezpur.