

Tezpur PS Case No-1041 of 2022  
GR Case No-1989 of 2022  
U/S-420/376/506 of Indian Penal Code

ORDER

07.10.2022

Case record put up today along with bail application no-1324/2022 filed by petitioner namely, Md. Nur Mohammad praying bail of the accused person, namely, Nurul Amin.

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 complainant Miss "X" (name withheld) has lodged the ejahar to the effect that she has maintained love affairs with the accused Nurul Amin since from five years back and promised her that he would marry her and thereafter, he had maintained physical relationship with her. It is also alleged that the accused on 25.09.2022 at 12 Noon called her over phone from the house of his aunty wherein the accused forcefully committed rape on her and when she told the accused to marry her then the accused threatened her of dire consequences of her life she again tell him about the same. Hence, the prosecution 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.

07.10.2022

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

Accordingly, the bail petition No-1324/2022 filed on behalf of the above-named accused person stands rejected.

Inform all the concerned.

Sri Nabajit Bhatta  
Chief Judicial Magistrate  
Sonitpur, Tezpur