

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 613/2022

Md. Nased Ali

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>19-12-22</u>	<p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Md. Nased Ali seeking pre-arrest bail in connection with Dhekiajuli PS Case No. 106/2022 u/s 447/376 IPC, corresponding to G.R. Case No. 562/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary.</p> <p>The allegation in the FIR is that informant lodged an FIR on 18-03-2022 alleging inter alia that on 16-03-2019 at 9 AM in the absence of informant accused No. 1 Md. Sahjahan Ali took the daughter of informant in the pretext of marrying her to Singari Hill and committed rape on her forcefully. Then the accused left the victim at Purana Chitalmari Centre in the evening. After drastic search, victim was found and taken aback to the house. But, on 17-03-2022 at night at 12 AM accused No. 1 Md. Sahjahan entered into the house of informant by pushing the door and when accused touched the victim, she raised hulla. Hearing hulla, informant caught hold the accused and tied him up. Then, informant called three persons to settle the matter but they offered ₹30,000/- to settle the matter when the daughter of informant refused accused persons took away the accused. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is a serious case of kidnapping the victim girl aged about 13 years and committing rape on her forcefully by accused No. 1 Md. Sahjahan Ali and other accused persons also came to the house of informant, offered money to settle the money but when the</p>	

daughter of informant refused, accused persons took away the accused No. 1 named in the FIR. Therefore, given the serious nature of the allegation, learned P.P. contends that it is not a fit case to consider pre-arrest bail to accused petitioner.

On the other hand, learned counsel appearing for the accused petitioner contends that the present bail petition is for accused Nased Ali who in no manner was involved in the alleged offence of kidnapping and rape. The main allegation was against accused Md. Sahjahan but Nased Ali has been falsely implicated in the case. The allegation of offering money is nothing but false allegation. Therefore, learned counsel for accused petitioner press for pre-arrest bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary along with the statement of victim recorded by Magistrate u/s 164 Cr.P.C., it transpires that accused Sahjahan ali is the main culprit who committed the offence but other accused including present petitioner is no less responsible as they offered ₹40,000/- with a view to suppress the case and thereafter accused Ramjan, Robikul and Nased shared the money by themselves and fled away the accused with a view to screen him from the punishment.

Therefore, considering all attending factors, this court do not consider it a fit case to grant the benefit of pre-arrest bail to accused petitioner Md. Nased Ali.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.