

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 647/2022

Riajuddin

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>20-12-22</u>	<p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Riajuddin seeking pre-arrest bail in connection with Dhekiajuli PS Case No. 342/2022 u/s 420/312/376/506 IPC, corresponding to G.R. Case No. 2125/2022.</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 complainant filed complaint petition stating inter alia that accused persons neighbors of the complainant and regularly used to come in the house of the complainant and on dated 25-01-2022 accused persons stated that he love the complainant when complainant refused to love him then accused threatened her saying if she will not love the accused person then he will commit suicide and then in absence of husband of complainant accused person made physical relation forcefully with the complainant and thereafter complainant become pregnant and when it came to the knowledge of the accused person, he kicked the complainant and gave pills to complainant to consume the same for abortion. On 25-10-2022 accused killed the baby in the womb of complainant by showing fake love towards the complainant. It is also alleged that on 10-11-2022 the accused tried to rape the complainant when the complainant refused to do so accused threatened her to kill the complainant and his family and he also told her that accused will manage police so when the complainant went to police station then they would not register her case. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is a</p>	

serious case of committing rape on the victim girl in the pretext of love and followed by abortion of the baby in womb of complainant by forcefully administering pill to her. 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 victim is a major married woman having two children and she voluntarily consented physical relation with accused. 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 victim had prior introduction with accused being her neighbor and she has having two children but she agreed to marry with accused. In that manner, accused used to visit her house and had physical relation and as a result, she became pregnant. Subsequently, accused got her aborted. Thereafter, on 22-10-2022 & 10-11-2022 accused again committed rape on her. When her father-in-law saw them accused fled away.

As it appears from record, the victim is a major woman having two children and accused is known to her who frequently used to visit her house and they had physical relation not only once but on several occasion which clearly shows that alleged victim is a consent party to that act being a major woman.

In view of the above backdrop of the case, pre-arrest bail is allowed. Accordingly, the I.O. is directed to release accused petitioner Riajuddin on pre-arrest bail in execution of a bond of ₹20,000/- (Rupees Twenty Thousand) only with one local surety of like amount to his satisfaction in the event accused is arrested in connection with the instant case.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.