

ORDER SHEET FOR MAGISTRATE'S RECORDS. Adv:

DISTRICTS : SONITPUR

IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR

MISC. (CRIMINAL (Bail) Case No. 565 of 2022

Md. Jamaluddin, Petitioner VS. STATE OF ASSAM.

Sl. No.	Date	<u>order</u>	Signature
	<u>16-11-22</u>	<p>This is an application u/s 438 Cr.P.C. filed by one accused Md. Jamaluddin, seeking pre-arrest bail in connection with Tezpur PS Case No. 1097/22 u/s 376 IPC read with section 6 of POCSO Act, corresponding to GR case No. 2046/22.</p> <p>I have heard the learned lawyers appearing for both sides. Also gone through the case record.</p> <p>The allegation in the FIR is that committed rape of the minor daughter of the informant under the pretext of marriage and some false promises. Hence the case.</p> <p>Learned counsel for the State opposed the bail prayer citing the nature and gravity of the offence alleged.</p> <p>Learned counsel for the accused, on the other hand, submitted that both parties have entered into a settlement and accused decided to marry the daughter of informant after she attains majority. So, it is submitted that accused may be released on bail.</p> <p>Having heard the learned lawyers of both sides and on perusal of the case diary, it transpires that</p>	

accused committed rape on the minor daughter of the informant during the absence of the family members in the house under false promise of marriage and also gift a mobile hand set to victim girl so as to sexually exploit her and eventually he committed the offence of rape on promise of marriage. Admittedly, the offence is serious in nature. The POCSO Act has been brought contained increasing crime of sexual assault against a minor girl. But as it seems in spite of bringing the legislation the offences of this crime has been on rise. The law appears to have failed to impact in the society. Mere filing an affidavit that accused married her after attaining her majority who is a married persons having his wife and children, this court after considering the nature and gravity of the offence and attending facts, do not consider it a fit case to accept the so-called affidavit.

Therefore, in the above back drop of the case, as revealed in the case diary, this court do not consider it a fit case to extend the benefit of pre-arrest bail to the accused person.

Let the case diary be returned.

The bail application is accordingly stands disposed off.

(C.B. Gogoi)
Sessions Judge,
Sonitpur, Tezpur