

Misc. CrI. (bail) Case No. 433 of 22

20-09-2022

Today was fixed for case diary. Accordingly, the IO has submitted a report that already he has submitted charge sheet against the accused in this case U/s 354A(1)(i)/ 354B/511 IPC r/w Sec 8 of the POCSO Act.

This order arises out of an anticipatory bail petition U/s 438 CrPC filed by petitioner/accused Abdul Guni praying for granting pre-arrest bail to the petitioner/accused in connection with Tezpur PS case No.1192/21 (GR case No.1962/21) U/s 354B IPC r/w Sec 8 of the POCSO Act stating that the allegation made in the FIR is false and fabricated and merely a manufactured story created by the informant. The accused/petitioner submitted that actual fact is that he has a landed property adjacent to the informant and the said land is Government land initially occupied by him and when he later went to Kerala for doing job, the informant taking chance of the same took possession in the year 2020 and grabbed the land. Hence, the informant lodged this false case implicating his minor daughter. He has no previous criminal record. He is a law abiding person and permanent resident of the given address. He shall render full cooperation to the IO during investigation. He shall abide by any terms and condition if he is allowed to go on pre-arrest bail.

Heard Id. counsel for the petitioner as well as Id. Spl.P.P. and also perused the record. I find that already charge sheet has been submitted against the accused/petitioner Abdul Guni as absconder U/s 354A(1)(i)/ 354B/511 IPC r/w Sec 8 of the POCSO Act. Hence the pre-arrest bail cannot be entertained as the charge sheet has been submitted. Accordingly, pre-arrest bail is **rejected**.