

Misc.(Bail) Case No. 580 of 2022
O R D E R

22-11-2022

Seen the petition No. 2460/22, filed by accused/petitioner Manirul Islam, seeking pre-arrest bail, in connection with Tezpur PS Case No. 1112/22 u/s 376 IPC, corresponding to GR Case No. 2149/22

I have heard the learned lawyers appearing for both sides. I have also gone through the contents of the case diary.

The allegation in the FIR is that on 21-10-2022 at about 12.30 PM taking advantage of absence of husband and other family members, accused Monirul Islam, brother of the husband of informant, forcefully committed rape on her in the bathroom. When the matter was informed to father-in-law and mother-in-law by her husband, they thrown her out branding her as women of loose character.

Learned counsel for the state submitted that there is sufficient materials in the case diary. Regarding the alleged incident accused do not deserve to be released on bail.

On the other hand, learned counsel for accused vehemently contended that it is an out and out false case made only to destroy the career of accused who is pursuing his studies at Higher Secondary level and his exam is on threshold. Therefore, accused is not given the benefit of pre-arrest bail, it would destroy his future if police arrest him in the case.

Having heard the learned lawyers appearing for both sides and on careful consideration of the submissions made it transpires that the informant/victim is none other than the sister-in-law of accused and she made the lethal allegation against the brother of her husband which lends credence because the version of the victim cannot be doubted unless the incident in question had not happened. Why court disbelieve the version of the victim by taking it in lighter vain or in negative sense because such incident is not uncommon. Disbelieving the version of victim is too patriarchal in nature and it marks the lack of sensitivity on the part of Court. Victim's version unless contradicted in court in due course cannot be thrown

out in lighter vain. It made out a strong prima-facie case against the accused. Case diary indicates materials of such prima facie nature. Therefore, considering all the attending factors, this court does not consider it a fit case to extend the benefit of pre-arrest bail to petitioner/accused Monirul Islam.

In the result, bail petition stands rejected.

Let the case diary be returned.

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