

Tezpur PS Case No-1243 of 2022
GR Case No-2353 of 2022
U/S-370/511/34 of Indian Penal Code

ORDER

19.12.2022

Case record put up today along with bail application nos- 1690/2022 & 1691/22 filed by the petitioners, namely, Nazima Begum and Md. Abdul Ali praying bail of accused persons, namely, Janibul Islam, Marjina Khatoon and Abu Bakkar Siddique.

Heard learned counsels of both sides on the instant petition. Also perused the instant petition. The learned advocate of the petitioners have submitted that the above-named accused persons are innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the accused are falsely implicated in this case and in the event of their release on bail, there is no chance of their absconding. Hence, prayed to allow the bail prayer of accused persons.

The prosecution story in brief is as follows that complainant Muskan Begum has lodged an ejahar before the O/C of Tezpur PS to the effect that before 03 months back accused Abu Bakkar Siddique abducted the victim girl and was taken away by said accused person and after that they got married. After marriage her husband her husband took her to his uncle's house to stay with her and the accused told her that he has some problem at home so he cannot take her with him to his own house. It is also alleged that said accused asked to go to that uncle Jaimuddin's home to spend the night with the victim girl. On 07.12.2022 at around 7 Am, accused Abu Bakkar Siddique took her with him to Nagaon by saying that they are going to his uncle's house who is residing at Nagaon town and when they both reached Lanka bus stand they met another person named Janibul Islam.

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Her husband told her to go with that person by saying that he is an uncle of his own family. After that the said person took her with him to his rented house at Baroholia, Tezpur and at around 1 PM they reached at Janibul's rented house and after that the victim went to the bathroom and then she heard the Janibul and his wife Marjina Khatoon were talking about her. She also heard that Janibul and Marjina were talking about some 4-5 nos. of people who would come to the rented house to do physical relation with the victim. After that she got to know that her husband Abu Bakkar Siddique, his uncle Jaimuddin @ Siddique Ali another uncle Janibul Islam and Janibul's wife Marjina Khatoon all are involved in this act. She got scared and ran away from there and reached at Tezpur PS. Hence, the prosecution case.

The case is under initial stage and the alleged offence is non-bailable and cognizable in nature. The alleged offence of section-370 of IPC is exclusively triable by Hon'ble Court of Sessions. At this stage, if the accused persons are released on bail, the whole process of investigation of this case will be hampered.

So, under such circumstances, considering the gravity and seriousness of offence alleged against the above-named accused persons and the initial stage of investigation, I find that this is not a case where the accused persons can be relied upon and enlarged on bail.

Accordingly, the bail petitions filed on behalf of the above-named accused person stands rejected.

Inform all the concerned.

Sri Nabajit Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur