

AB 4160/2012

BEFORE

THE HON'BLE MR JUSTICE C.R. SARMA

Heard Mr. S. Ahmed, learned Counsel appearing for the petitioners. Also heard Mr . B.B. Gogoi, learned addl. P.P., Assam, appearing for the respondent State.

Perused the C.D.

By this application filed under Section 438 Cr.P.C. prayer has been made for releasing the accused/ petitioners, namely, Abdul Hoque @ Abdul Hai, Abdul Hakim and Matiar Rahman, on pre-arrest bail in connection with Barpeta P.S. Case No. 1764/2012 under Sections 448/376/325/506/34 IPC.

The matter relates to committing rape on the informant and threatening to kill her and her husband by the petitioners.

Having heard the learned counsel appearing for both the parties and considering the nature of allegation and the materials collected by the I.O., I find no sufficient reason for custodial interrogation of the petitioners No. 2 and 3, namely, Abdul Hakim and Matiar Rahman.

Accordingly, it is directed that, in the event of arrest of the petitioners No. 2 and 3, named above, in connection with above P.S. Case, shall be released on bail of Rs. 20,000/- each with one local surety each of the like amount to the satisfaction of the arresting authority.

Considering the facts and circumstances of this case and the evidence collected by the I.O., the prayer for pre-arrest bail made in favour of the petitioner No. 1, namely, Abdul Hoque @ Abdul Hai is rejected.

Return the C.D.

The bail application is disposed of.