

AB 2855/2014

PRESENT

HON'BLE MR JUSTICE UJJAL BHUYAN

Heard Mr.R.Sarma, learned counsel for the petitioner and Mr. N.J.Dutta, learned Addl. PP, Assam.

This is an application under Section 438 of the Code of Criminal Procedure by the petitioner Md. Imdadul Islam apprehending arrest in connection with Moirabari P.S.Case No. 76/2014 under Sections 366(A)/34 IPC (GR No.749/2014).

As per allegation in the FIR lodged by the victim's uncle, his minor cousin was kidnapped on 22.4.2014 while she was sleeping at her home with her brother and sister. It was further stated that parents of the victim girl had expired and taking advantage of the situation, kidnapping was committed.

As per statement of the victim girl recorded under section 164 Cr.P.C, she stated that the accused person i.e., Md. Imdadul Islam(Petitioner) along with two others had kidnapped her and had kept her confined in the uncle's house of the accused (petitioner) where he committed rape on her for 3 days. She further stated that the accused(petitioner) thereafter left her on the road near her house.

Considering the serious nature of the offence alleged to have been committed by the petitioner, no case for pre-arrest bail is made out.

Prayer for pre-arrest bail stands rejected.