

GAHC010185652021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/3670/2021

JAHIRUL ISLAM @ JOHOR ALI
S/O LATE ABDUL MOZID
R/O VILL- SAGUNMARI PART-II
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

30.11.2021

Heard Mr. F. Haque, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely **Jahirul Islam @Johor Ali** apprehending arrest in connection with **Bilasipara P.S. Case No. 542/2021** u/s **341/376/506** of the IPC corresponding to **G.R. Case No. 940/2021**.

The Case diary, as called for, is placed before the Court.

The brief fact of the case is that some obscene video of the informant was secretly recorded by an unknown person, which fell into the hands of the present petitioner. It is alleged that on 18.06.2021, at about 7.15 p.m., the petitioner called the informant to a desolated place and after showing her the said video, by blackmailing her, committed forceful sexual intercourse.

The medical report shows no evidence of recent sexual intercourse/ assault on the person of the victim.

In her statement u/s 161 and 164 Cr.P.C., the victim stated that she was earlier married to another person about 4 years ago and thereafter, for last about 2 ½ years, she developed relationship with the petitioner out of love and affection. Some objectionable video clips of the victim's intimate moments with her husband were leaked to the present petitioner, which he showed to the victim at a desolated place and by blackmailing her with the same, committed sexual intercourse. Thereafter, the petitioner transmitted the aforesaid video clips to others. The investigation is yet to be completed.

In view of the above reasons, this Court is of the opinion that if the privilege of pre-arrest bail is granted to the petitioner, the ongoing investigation into the case is likely to be adversely affected.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant