

GAHC010189952021



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

Case No. : AB/3746/2021

MD. JAMAL ALI
S/O ALTAP KHAN
R/O KUIRAMARI
P.S. SIALMARI
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

30.11.2021

Heard Mr. A. Paramanik, learned counsel appearing for the petitioner. Also heard Mr. P. Borthakur, 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 **Md. Jamal Ali** apprehending arrest in connection with **Basistha P.S. Case No. 1280/2021** u/s **448/376/323** of the IPC.

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

The F.I.R. reveals the allegation of commission of rape and assault on the informant by the petitioner during night hours in absence of her husband.

A perusal of the victim's statement u/s 164 Cr.P.C., reveals that she is aged about 40 years and married. She has implicated the petitioner in the commission of the alleged offences. She, however, refused to undergo necessary medical examination.

Although there is scanty prima facie implicating material against the petitioner, on careful consideration of the pros and cons of the evidence so far collected by the I.O., 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 unlikely to be adversely affected.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/- (Rupees Twenty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 7 days; and
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant