

GAHC010209462021



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

Case No. : AB/4119/2021

NUR UDDIN SHEIKH
S/O LATE MONSER ALI
R/O VILL- SHILGHAGRI PART-I, P.S. DHUBRI (SADAR), DIST. DHUBRI,
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

31.03.2022

Heard Mr. A.A.R.Karim, learned counsel for the petitioner. Also Heard Mr. B. Sarma, 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, **Nur Uddin Sheikh**, apprehending his arrest in connection with **Dhubri P.S. Case No. 795/2021** registered u/s **120(B)/457/354(B)/376/511/506** of the

IPC (corresponding to GR Case No. 2502/2021).

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

The F.I.R. reveals the allegations *inter-alia*, attempted of commission of rape upon the person of the victim woman.

It is noticed that the victim woman refused her medical examination.

A perusal of the case diary reveals that the victim woman, aged about 31 years, has implicated the petitioner in the alleged offences. She is married having one daughter aged about 12 years. The case diary further reveals existence of eye account of the incident that took place at around 12.30 o'clock midnight at her home.

Although, the petitioner has pleaded that there is enmity between him and the family of the victim over land dispute and in this connection a cross-case was filed, there is, however, no such indication on the case diary.

In view of the above reasons, this Court is of the opinion that it is not a fit case to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant