

Crl. Misc. No. 748/19

01.11.2019

Bail petitioner for accused person Saddam Hussain represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioner namely **Saddam Hussain** who is apprehending arrest in connection with Laharighat P.S. Case No. 216/19 (GR No.1720/19), U/S 376/323/294/506/34 IPC

Learned Addl. P. P. notified and appeared.

Petition is supported by an affidavit filed by Saddam Hussain, swearing that no other bail petition has been filed or pending in Hon'ble Gauhati High Court or any other court.

Prosecution case in concise that informant cum victim lodged a written ejahar stating inter-alia that since 2 years accused person Md. Saddam Hussain had affair with victim. Accused person made sexual intercourse with victim with promised to marry. As a result, she became pregnant and gave birth to a child. When accused person took her to his home for marriage, then the inmates accused person namely Md. Guljar Hussain, Md. Adil Hussain, Md. Manjarul and Md. Diluwar Hussain tortured her physically and ousted her and kept hide accused person Saddam Hussain. Hence, the case.

Learned engaged counsel for bail petitioner submitted that accused petitioner is innocent and that no case made out u/s 376 IPC at best it is a case of adultery. Learned P.P objected in light of incriminating material in CD.

Perusal of CD & LCR particularly victim's statement made under oath u/s 164 Cr.P.C and that of u/s 161 Cr. P.C. shows no dearth of incriminating material as against accused petitioner. Hence, I am not inclined to grant bail to accused petitioner. Bail prayer stands **rejected** for above reasons.

The Crl. Misc. Case stands disposed off to the extent above.

Send back CD and L.C.R accordingly.

Inform all concerned.

Asstt. Sessions Judge,
Morigaon

