

Crl. Misc. No. 885/19

22.11.2019

Bail petitioner for accused person Md. Arif Uddin @ Ahmed represented.

Learned Addl. P.P. Mr. N. A. Choudhury notified and appeared.

Heard both sides on bail petition filed U/S 439 of Cr.PC praying for grant of bail to accused person namely **Md. Arif Uddin @ Ahmed** who is detained in custody in connection with Bhuragaon P.S. case no. 121/2019 (G.R. No.2974/19) U/S 120B/420/376 of I.P.C.

Petition is supported by an affidavit filed by Md. Swahidul Islam, swearing that no bail petition has been rejected or pending before Hon'ble Gauhati High Court and Sessions Judge, Morigaon.

Prosecution case, in concise, is that informant cum victim lodged a complaint petition stating inter-alia, that victim was married at Moirabari 1 ½ years ago. Accused person Md. Arif Uddin took victim from her husband's place and raped her many a time without her consent and left her at her father's place. When the matter was informed to co-accused person Md. Majibur Rahman, he assured her marriage with accused person but failed. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent. On the contrary, learned Addl. P.P. Mr. N. A Choudhury submitted to pass order as per law.

Perusal of CD shows that in the mean time the case has been charge sheeted vide charge sheet no. 85/19 u/s 417/376 of IPC dated 18.11.19. Prima facie no prejudice would be caused to investigating agency; if prayer is allowed.

Considering all aspects and progressed in investigation accused person **Md. Arif Uddin @ Ahmed** is **allowed** to go on bail of Rs. 20,000/- (Twenty thousand) with a fit surety of like amount to the satisfaction of learned Elaka Magistrate, Morigaon .

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The Crl. Misc. Case stands disposed off.
Send back CD & LCR accordingly. C.S. be tagged to C.D.
Inform all concerned.

Asstt. Sessions Judge,
Morigaon