

**Crl. Misc. No. 896/19**

**27.11.2019**

Bail petitioner for accused person Sharafat Ali @ Islam Ali 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 **Sharafat Ali @ Islam Ali** who is detained in custody in connection with Mikirbheta P.S. case no. 428/2019 (G.R. No.3484/19) U/S 458/376/511 of I.P.C.

Petition is supported by an affidavit filed by Mala Ali, swearing that earlier a bail petition was rejected by Asstt. Sessions Judge, Morigaon, except that no bail petition has been filed or pending before Hon'ble Gauhati High Court or any other superior court.

Prosecution case, in concise, is that informant Md. Nur Hussain lodged a written ejahar stating inter-alia, that on 17.10.2019 at about 10 p.m. while informant was absent at home then accused person namely Md. Islam entered into the house and attempted to rape on informant's wife by showing dagger. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is aged about 75 years and is innocent. He submitted that there is land dispute between parties. On the contrary, learned Addl. P.P. Mr. N. A Choudhury objected and countered that, that may be the cause for occurrence.

Perused of CD and LCR. Victim's statement u/s 164 Cr.P.C. shows sufficient material incriminating accused person.

Considering all aspects, bail prayer stands **rejected**.

The Crl. Misc. Case stands disposed off.

Send back CD & LCR accordingly.

Inform all concerned.

Asstt. Sessions Judge,  
Morigaon

