

Bail Application No. 286/2020

**Order-sheet**  
**Present: Sh. S.K. Poddar**  
**Sessions Judge, Morigaon**

25.06.2020

The regular court work is paralyzed due to Corona virus pandemic.

Ld. Advocate for the accused petitioner and Ld. PP are present.

Called for case diary is received and perused the same. Also seen the petition No. 920/2020 filed by the informant and the victim alleging that after filing of this FIR accused Anuwar Hussain used to criminally intimidate them and pressurizing for withdrawal of the case, for which on 22.06.2020 they have to file a petition before District Magistrate, Morigaon for drawing a proceeding u/s 107 Cr.P.C and for this reason they prayed for rejecting the bail petition.

Heard both the sides through VC by using JITSI software.

During hearing Ld. Advocate for the accused petitioner submitted that allegations made against the accused are false and he was falsely implicated in this case as he demanded his due amount from the informant.

This is a petition filed u/s 438 Cr.P.C for granting liberty of pre-arrest bail to the accused petitioner Anuwar Hussain, who is apprehending arrest in connection with Laharighat PS Case No. 179/2020 registered u/s 448/376 IPC.

FIR dated 08.06.2020 lodged by Md. Yasin Ali discloses that, on 06.06.2020 he along with his two sons went to his native place by leaving behind his wife and two year old child alone in the house. Taking advantage on that night accused entered in to his house by cutting the fencing and by showing a dagger committed rape with his wife. On her hue and cry, neighbouring people gathered there. On this accused managed to flee away. On knowing about this incident, he returned home and lodged this FIR.

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I have gone through the case diary and the statement of the victim recorded u/s 161 & 164 Cr.P.C. The victim in her statement u/s 164 Cr.P.C has categorically stated that while

she was sleeping in her house accused managed to enter and by showing a dagger committed rape on her. On hue and cry, neighbouring people gathered there and on their attempt to apprehend the accused by pulling his vest, accused some how managed to escape by leaving behind his chappal.

Considering above statement and also the statements of the neighbouring witnesses, it appears that I.O has collected sufficient incriminating materials showing involvement of the accused Anuwar Hussain with the alleged offences u/s 457/376 IPC.

Considering nature of offence and materials on record, I am of considered opinion that it is not a fit case for grant of pre-arrest bail to the accused petitioner at this stage. As such, prayer for bail stands rejected.

Send back the case diary along with a copy of this order to O/C Laharighat PS.

A true copy of this order (free of cost) be given to the Ld. Advocate of the accused petitioner under the signature of Bench Assistant for treating the same as official certified copy.