

Bail Application No. 469/2020

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

02.09.2020

The Court is functioning in restricted manner due to Corona Virus pandemic through VC by using JITSI software.

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

This is a petition filed u/s 439 Cr.P.C for granting liberty of pre-arrest bail to accused Azaharuddin @ Azahar Ali, who is apprehending arrest in connection with Mikirbheta PS Case No. 323/2020 registered u/s 354 IPC.

Heard both the sides.

During hearing on the bail petition, Ld. Advocate for the accused petitioner has submitted that an earlier bail application for the same accused person was rejected vide order dated 26.08.2020 in BA No. 430/2020. It is also submitted that investigation has sufficiently progressed. It is further submitted that mother of the accused is suffering from serious ailments and prayed for granting bail to accused. On the other hand, Ld. PP has objected in granting bail by pointing that plea of ailment of mother is already considered by this court and no new grounds were shown. I have considered the submissions of both the sides.

FIR dated 09.08.2020, lodged by Dulu Moni Deka discloses that on 08.08.2020, at about 12 PM, while his wife was working at her vegetable garden, by using criminal force, accused Azahar Ali outraged her modesty.

On going through the case record and relevant papers available in the case record, it appears that bail application of accused Azaharuddin @ Azahar Ali was earlier rejected vide order dated 26.08.2020 in BA No. 430/2020 on perusal of case diary. No new grounds were shown to reconsider the instant bail prayer for the accused Azaharuddin @ Azahar Ali. Considering above, prayer for bail stands **rejected**.

Send a copy of this order to O/C Mikirbheta PS.

Also send a copy of this order to Ld. CJM, Morigaon for information.

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.