

Misc. CrI. 196/21

08.04.2021

Seen the petition filed by petitioner Laily Begum u/s 439 of the Cr.P.C. with a prayer to grant bail to accused Sahanur Islam who is in judicial custody in connection with Goalpara P.S. Case No.106/2021 u/s 376/447/506/34 of the IPC read with Section 4 of POCSO Act.

The case diary is received and perused. I have also heard the learned counsel for the petitioner as well as the learned Special Public Prosecutor.

The allegation is that on 08.02.2021, at midnight, while the minor daughter of the informant came out of the house for attending call of nature, at that time, accused Sahanur Islam, who was hiding himself at that place, forcibly embraced her and committed rape on her and hearing her hue and cry, her parents came out and caught the accused.

The victim, in her statement u/s 164 Cr.P.C, has implicated the accused in commission of the alleged offence. On perusal of the case diary, it appears that the investigation has been completed and the Investigating Officer has collected sufficient materials against the accused and now, the Investigating Officer is ready to prepare charge-sheet against the accused u/s 447/376 of the IPC read with Section 4 of POCSO Act.

In view of the materials in the case diary and the statement of the victim recorded u/s 164 of the Cr.P.C, there seems to be no reason for this Court to have admitted the accused to bail in a crime which has a serious magnitude and it will be abuse of process of law, in case bail is granted. Accordingly, the bail petition stands rejected.

Send back the CD with a copy of this order. A copy of this order shall also be furnished to the petitioner or her learned counsel forthwith by the Bench Asstt./Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. Case is thus disposed of.

Sessions Judge
Goalpara