

Misc. CrI. 227/21

05.05.2021

This case record is put before me after the same being withdrawn from the court of learned Asstt. Sessions Judge, Goalpara.

Seen the petition u/s 439 of the Cr.P.C. filed by petitioner Sahera Khatun with a prayer to grant bail to accused Abbas Ali who is in judicial custody in connection with Goalpara P.S. Case No.264/2021 corresponding to G.R. Case No.838/2021 u/s 366(A)/34 of the IPC.

The case diary is received and I have perused the same. I have also heard the learned counsel for the petitioner as well as the learned Public Prosecutor in the virtual court through video conferencing.

The contents of the ejahar, in brief, is that on 13.04.2021, at about 6-00pm, the FIR named accused persons had kidnapped Bibi Fatema, aged 16 years, daughter of the informant, while she was in front of her house.

The learned counsel for the petitioner submitted that the accused is innocent and he has been falsely implicated in this case. It is further submitted that the accused being a local man there is no chance of absconding.

From the statement of the victim girl recorded u/s 164 of the Cr.P.C, it appears that she had love affairs with the accused and on the date of occurrence, she on her own accord, went with the accused to Guwahati and stayed there at his friends house for two days and thereafter both of them went to the house of one of the relatives of the accused at Jaipur, Baguan where they stayed for four days during which the accused did sexual intercourse with the victim. The victim in her statement mentioned her age to be 16 years. From the birth certificate of the victim girl, available in the

case diary, it appears that she was born on 01.01.2006 where from it is clear that on the date of occurrence, the victim girl was a minor. The investigation is going on. The learned Public Prosecutor has objected the bail petition.

In view of the facts and circumstances of the case and the nature of the offence, I do not think it to be a fit case for granting bail to the accused at this stage. Accordingly, the bail petition stands rejected.

Send back the C.D. 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