

Criminal Misc Bail Case No. 633 of 2020

**Present:- Sri S. Hazarika,
Additional Sessions Judge, Barpeta.**

ORDER

14/09/2020

This is a bail application filed by petitioner Olilur Rahman u/s 439 Cr.P.C. praying for grant of bail to accused Mahibul Islam in connection with Howly P.S. case No. 587/2019 u/s 376/325 IPC.

Heard learned counsels for both sides. Call for case diary has been received and same is perused.

The informant Farhin Jannant lodged an FIR alleging inter alia that some two years eight months earlier she got married to the brother of accused namely Mujammel Hoque. After two days of her marriage her husband left her in his house and went to his work place. Talking advantage of absence of her husband the accused started to give obscene signal and started to have physical relationship with her against her wish. The accused asked her not to disclose about the incident to any person and also threatened her with dire consequence. Though she disclosed about the incident to her mother-in-law but she also asked her not to disclose the same to anybody. After few months when her husband returned back home she disclosed about the incident who did not believe her, rather, he tortured her. On 15.12.2019, at about 2 pm the accused forcefully wanted to have sexual intercourse with her taking advantage of nobody at home but as she resisted the accused assaulted her and caused injuries in her private parts. The accused further tried to put fire on her by pouring kerosene on her. However, the neighbor came and rescued her on hearing her cries. Later on, the public took her and handed her over at her parental house. Hence this case.

Learned counsel for the accused has submitted that accused was arrested on 14.07.2020 and accused person is innocent and has been falsely implicated in this case and he is a local resident. He will abide by all the directions if granted bail.

On consultation of the case diary, it appears that the investigation of the case is in progress. The allegations are serious in nature. I.O. of the case has already collected sufficient incriminating materials against the accused. Hence, I am not inclined to grant bail to the accused at this stage as releasing the accused on bail may hamper the investigation of this case.

The prayer for bail is accordingly rejected. Return the C.D. to I/O along with a copy of this order.

The bail petition is disposed of.

Copy of this order be certified by the office as true copy.

Sd/-
**I/C- Sessions Judge,
Barpeta**