

Criminal Misc Bail Case No. 620 of 2020

ORDER

15/09/2020

The called for case diary has been received.

This is a pre-arrest bail application filed by accused/petitioner **Tarab Ali @ Taraf Ali** in connection with **Barpeta P.S. Case No. 1052/2016 corresponding to GR Case No.2595/2016 under Sections 448/376(D)/34 IPC.**

The brief fact of the case is that on 15.05.2016, at about 10:00 PM the above named accused-petitioner alongwith two others entered into the house of the informant Sahera Begum and committed rape on her forcefully. Hence the case.

I have heard the learned counsel for both sides.

Learned counsel for the accused/petitioner has submitted that the accused-petitioner is innocent and he has been falsely implicated in this case.

Learned Public Prosecutor, Barpeta has submitted that the accused-petitioner is named in the FIR and the I.O. has not yet recorded the statement of the victim under Section 164 CrPC. He, therefore, raised objection against the grant of pre-arrest bail to the accused-petitioner, at this stage.

I have perused the call for case diary and I have find force in the submission in the learned P.P., Barpeta.

It is seen that the I.O. under Barpeta P.S. has failed to apprehend the above name accused-petitioner in the case of gang rape even after passing of more than four (4) years from the date of FIR of the case.

Hence, considering the nature and gravity of the alleged offence, I am not inclined to grant pre-arrest bail to the accused petitioners.

Hence, considering all aspect, the pre-arrest bail prayer of accused petitioners, stands rejected, at this stage.

Send back the case diary to the I.O. of this case with a copy of this order.

This case, accordingly, stands disposed of.

Sd/-

Sessions Judge, Barpeta