

Criminal Misc. (B) Case No. 443/2022

Order

17.12.2022

Shri S. Seal, learned counsel for the petitioner is present.

Smt. S. Das, learned Special PP is present.

This is a petition u/s 438 of CrPC for granting liberty of pre-arrest bail to the petitioner Md. Meraznur Rahman Hazarika, who is apprehending arrest, in connection with Borboruah P.S. Case No. 112/2022, registered u/s 363 of IPC. Later section 366 of IPC r/w section 6/17 of POCSO Act was added.

Case Diary called for has been received.

I have heard both the parties.

Aforesaid FIR was lodged by the father of the victim girl alleging that her minor daughter (around 16 years and few months) went missing after her school. During investigation the victim girl and was recovered with one boy Shri Bhairav Konwar at "Oyo Shree Cottage" situated at Boiragimoth Bidyapur Path, Dibrugarh. It appears from the statement of the witnesses that the victim and Shri Bhairav Konwar stayed at aforesaid hotel/cottage and had physical relation. Two receptionists of the said hotel/cottage were arrested by the police and their statement was recorded by the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. Today one petition bearing no. 1557/2022 is also filed by the petitioner stating that on 11.12.2022 police officials visited his house stating that the complainant party pressurized them to apprehend him.

Learned Special PP has opposed the pre-arrest bail petition.

It appears from the record that both the receptionists have already been enlarged on bail and during investigation police had also seized relevant documents from the said hotel/cottage. It appears that the accused Bhairav Konwar is also allowed to go on bail.


Addl. Sessions Judge (F.T.C.)
Dibrugarh
Assam

Considering all the above, this Court is of the view that custodial interrogation of the petitioner may not be required in the present case. Accordingly, the present **pre-arrest bail petition of Md. Meraznur Rahman Hazarika is allowed**. It is provided that in the event of arrest of the petitioner Md. Meraznur Rahman Hazarika in connection with abovementioned Borboruah P.S. Case No. 112/2022, the petitioner above-named shall be released on bail on furnishing bail bond of Rs. 20,000/- with one suitable surety of like amount to the satisfaction of the arresting authority.

The pre-arrest bail is allowed with further conditions that:-

- a) The petitioner shall appear before the investigating officer within 10 (ten) days from today and cooperate with the investigation.
- b) The petitioner shall not directly or indirectly make any inducement or threat to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or any police officers.

Send back the case diary with a copy of this order to the Borboruah P.S. for information and necessary action.

Accordingly, the pre-arrest bail petition is disposed of.


Addl. Sessions Judge (F.T.C.)
Dibrugarh
Assam

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