

::IN THE COURT OF THE SESSIONS JUDGE AT DIBRUGARH ::

**Present :- Sri Binod Kr. Chetri
Sessions Judge
Dibrugarh.**

Cr. Misc. (B) Case No. 508/2020

Sri Riki Ahmed @ Biki

----- **Accused/Petitioner**

CIS CNR No.
ASDB 01-000943-2020

U/S of Cr.P.C.

ORDER

19-09-2020

This bail application has been filed for accused Riki Ahmed @ Biki in connection with Dibrugarh PS Case No. 1513/2020 under Sections 448/376(DA)/328/506 IPC read with Section 4 POCSO Act.

The bail petition has been filed by Smt. Arfin Sultana, wife of the accused, stating that the allegation of rape is false, as because, the victim stays with her mother and elder sister and there are other people nearby. If any such incident happens, someone would have noticed it. The allegation of rape is for last 15/16 days on number of occasions.

Miss. Alisha Begum, daughter of Aiom Khan has filed petition No. 1163/2020 stating that she along with her sister and mother used to reside in her grandmother's house at Dusadpatty, Graham Bazar and false case has been filed, as no such alleged incident has taken place. She stated that on 04-09-2020, she called her father to take away her sister, as she did not listen to them and she had come in contact with a boy named Sahil. Her father came, but her sister told her father that she will come on Sunday, i.e., on 06-09-2020. Further statement is that since last nine years, her mother do not have any relationship with her father and they are staying in her grandmother's house.

Learned Advocate Mr. Manuj Kumar Sahu made submission about the false allegation against the accused and he also referred to the petition No. 1163/2020 filed by Mrs. Alisha Begum who is the elder sister of the victim girl.

LCR was called for and gone through the same.

Contd.

The statement of the victim girl was recorded under Section 161 and 164 CrPC. The statement of the victim girl clearly mention about the accused raping her on number of occasions, injury on her private part and accused threatened her not to disclose the fact to anyone, or else he will kill her. One day, she reported the matter to her father.

The complainant is the father of the victim girl and the accused is the husband of the sister of victim's mother. The allegation is of a serious nature of committing rape on a minor girl several times by the accused who is the uncle of the victim girl. The case has been registered under Section 4 POCSO Act along with other offences of IPC, but there was the offence of aggravated penetrative sexual assault several times by the accused person having an authority over the victim minor, which attracts Section 5(L) and 5(p) of POCSO Act, punishable under Section 6 of the said Act.

The bail application is devoid of any merit and hence rejected out rightly.

Return the LCR along with a copy of this order.

Misc. case stands disposed off.

Let a copy of this order be released as certified to be true copy under the signature of the Bench Assistant.


19.9.2020
Sessions Judge,
Dibrugarh