

GAHC010012682023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./244/2023

JAHIDUL ISLAM
S/O PURAN ALI @ KURAN ALI
R/O VILL- BALAPATHAR
P.S. KALGACHIA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D J HALOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 25.01.2023

Heard Mr. S.A. Hussain, learned counsel for the petitioner. Also heard Mr.

R.J. Baruah, learned APP appearing for the State.

The petitioner, namely, Jahidul Islam, who was arrested on 28.05.2021, is seeking regular bail under section 439 Cr.P.C. in connection with Sessions Case No. 157/2021, arising out of Hatigaon P.S. Case No. 381/2021, under sections 370/370-A IPC read with sections 3/4/5 of I.T.(P) Act.

The learned APP has perused the scanned copy of the case records received from the Court of learned Additional Sessions Judge (FTC) No.3, Kamrup (Metropolitan), Guwahati and has opposed the prayer for bail.

On perusal of the case records, it is seen that the petitioner is accused of being part of a sex/prostitution racket. From the nature of statement made by the 3 (three) alleged victim girl, who were apprehended in connection with the said prostitution racket, as well as from the contents of the medical report of the said three alleged victim girls and considering that in course of trial, 4 (four) witnesses have already been examined, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary.

Hence, the Court is inclined to grant bail to the petitioner, namely, Jahidul Islam in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- (Rupees one lakh only) with two suitable sureties of like amount to the satisfaction of the learned Additional Sessions Judge (FTC) No.3, Kamrup (Metropolitan), Guwahati.

Bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other

investigating agency or Court in the present case as and when required.

2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the Court of learned Additional Sessions Judge (FTC) No.3, Kamrup (Metropolitan), Guwahati on each and every date. If the petitioner is unable to appear before the said learned Court on any particular date, he would obtain a previous order from the learned Additional Sessions Judge (FTC) No.3, Kamrup (Metropolitan), Guwahati to be absent on the date fixed. However, the petitioner shall ensure that he is duly represented by his learned counsel on such date.
6. The petitioner would submit an undertaking before the trial Court that he would not dispute his identity or the identity of the witnesses when the trial proceeds while he is represented by his learned counsel.
7. In the event, the petitioner fail to appear before the trial Court in

disregard to these conditions, it would be open for the learned Additional Sessions Judge (FTC) No.3, Kamrup (Metropolitan), Guwahati to pass appropriate orders for cancellation of bail under section 439(2) Cr.P.C.

8. The petitioner shall not leave the jurisdiction of Kamrup (Metropolitan) district without prior intimation to the learned Additional Sessions Judge (FTC) No.3, Kamrup (Metropolitan), Guwahati.

This application stands disposed of.

JUDGE

Comparing Assistant