

GAHC010036842023



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

Case No. : Bail Appln./644/2023

GULJAR HUSSAIN @ RAKIBUL HUSSAIN
S/O MD. HATEM ALI
R/O VILL- BHOMOARAGURI
P.O. LALUNGAON
P.S BATADROVA
DIST. NAGAON, ASSAM
PIN-782122

VERSUS

THE TATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10.03.2023

Heard Mr.A.Sarma, learned counsel for the petitioner, Guljar Hussain @ Rakibul Hussain. Also heard Mr.B.B.Gogoi, learned Addl. PP for the State and Mr.

A.R.Bhuyan, learned counsel for the informant.

The petitioner has filed an application under Section 439 of Cr.PC with prayer for bail in connection with Batadrava P.S.Case No.15/2023 under Section 365/376/506/34 IPC.

I have considered the submissions at the bar.

The FIR unfolds that on 28.01.2023 at about 10.30 am the petitioner along with a co-accused named in the FIR kidnapped the informant along with her 6(six) year old daughter and took her to Nagaon in a white coloured i20 vehicle. When she raised alarm, the petitioner and the co-accused Tafazzul Islam tried to strangle the informant and threatened to kill the informant's daughter.

Thereafter the petitioner committed sexual assault on the informant and took her to a hotel. When the informant raised alarm, petitioner and the co-accused Tafazzul Islam took her in a vehicle to a house and thereafter again committed rape on her and recorded obscene pictures. They also threatened her not to divulge about the incident.

She informed her husband about the incident and then the accused named in the FIR tried to bribe them and prevent them from lodging FIR with the police. It is also submitted on behalf of the petitioner that regarding the same incident, a complaint petition was filed which was registered as CR Case No.134/2023. This complaint was against another 7(seven) accused persons named in the complaint petition. It is alleged that the accused named in the complaint petition has compelled her to affix her signatures on blank papers and thereafter a false case was initiated against the present petitioner and the co-accused named in the FIR No.15/2023. After registration of this FIR,

investigation commenced and the present petitioner was arrested on 15.02.2023.

CD is received.

I have perused the statements of the witnesses under Section 161/164 Cr.PC. I have also considered the submission on behalf of the informant that the informant's signature has been forcefully taken and a false case has been initiated against the petitioner.

Considering the submissions at the bar with circumspection and considering the progress of investigation and the length of detention, further detention of the petitioner for progress of investigation does not appear to be required at this stage.

Petition is hereby allowed. The petitioner is enlarged on bail of Rs.50,000/- (Rupees Fifty Thousand Only) with a suitable surety of like amount to the satisfaction of the CJM Nagoan.

Send back the CD.

JUDGE

Comparing Assistant