

GAHC010077952023



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

Case No. : AB/1319/2023

MD. ASIF ALI
S/O JAKIR ALI,
VILL.- BARGAON,
P.S.- BAIHATA CGARIALI,
DIST.- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. I C DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09-06-2023

Heard Mr. I.C. Deka, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioner, who is apprehending his arrest in connection with Baihata Chariali Police Station Case

No.54/2023 registered under Sections 366(A)/323 of the IPC.

The FIR dated 15.02.2023 was lodged by the informant alleging that his daughter had been forcefully taken away by the petitioner/accused person no.1 along with other accused persons named in the FIR, when she was going to her school. The victim was taken to the house of the accused person no.1 in a four wheeler vehicle. It is further alleged that after assaulting the daughter of the informant, the family members of the accused no.1 left her in a state of unconsciousness on the road near to her home. Later on, the victim was rescued and treated in Bezere Public Health Centre. Pursuant to that FIR dated 15.02.2023 was registered, which was received and registered as Baihata Chariali Police Station Case No.54/2023 registered under Sections 366(A)/323 of the IPC. Accordingly, apprehending his arrest, the petitioner has approached this Court by filing this anticipatory bail application.

This Court by earlier order dated 10.05.2023 and 24.05.2023 had called for the up-to-date case diary. Today Mr. B.B. Gogoi has produced the same. The case diary, as called for, has been carefully perused.

Upon perusal of the case diary, it is seen that the medical report of the victim is available in the case diary. The medical opinion does not reflect any external injuries on the body of the victim. There is no statement under Section 164 of the Cr.P.C. From perusal of the statement of the witnesses, it reveals that the petitioner and the victim girl were known to each other. The matter is presently under investigation. At this stage of investigation, there are no materials available in the case diary to suggest any impediment will be caused in the investigation, if the anticipatory bail of the petitioner is allowed.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with the above noted case, he shall be released on

pre-arrest bail upon furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 (ten) days from today;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- (iii) That 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 the Court or to any police office; and
- (iv) That the petitioner shall not leave the jurisdiction of Baihata Chariali Police Station without obtaining prior written permission from the concerned Investigating Officer of the case.

In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioner.

Accordingly, the Anticipatory Bail petition is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant