

GAHC010086702023



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

Case No. : Bail Appln./1459/2023

ZAKIR HUSSAIN TALUKDAR @ ZAKIR HUSSAIN
SON OF LATE AKBAR ALI @ KALA MIYA,
RESIDENT OF VILLAGE WARD NO. 1, DOBOKA TOWN,
P.S.- DOBOKA, PIN- 782440,
DISTRICT- NAGAON (ERSTWHILE HOJAI), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

15.05.2023

Heard Mr. HRA Choudhury, learned Senior Counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Zakir Hussain Talukdar @ Zakir Hussain**, in connection with **Doboka Police Station Case No. 299/2022**, corresponding to GR Case

No. 2027/2022 registered **under Sections 448/376-C** of IPC.

The case diary produced has been perused.

It has been submitted by the learned counsel for the petitioner that the petitioner was arrested on 11.04.2023. He further submits that the accused petitioner has been falsely implicated in this case and the allegations made against him is totally false and concocted.

On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State submits that medical report of the victim has been received. As per the report from the Sakhi Women Centre it was found that the victim was mentally disturbed at that time. Though the victim has made allegation against the petitioner but subsequently she had sworn an affidavit by stating that due to misunderstanding, she had lodged the FIR. Under such backdrop, he has no objection if the petitioner is allowed to go on bail.

I have perused the case diary alongwith the statement of the victim recorded under Section 164 CrPC. It appears that the victim was working in a hospital near Doboka and the petitioner was the owner of the said hospital. It was alleged that about 7 months back by taking advantage of her staying alone, the accused came to her room and committed rape on her. It reveals that the statement was recorded by the learned Magistrate on 19.11.2022 and subsequently she made an affidavit before the Notary on 26.11.2022 wherein she stated that due to misunderstanding, this case has been instituted against the present petitioner and she is not interested to pursue the case any further. Considering the submissions made by the learned counsel for the parties and the length of detention, prayer of the petitioner is allowed.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the aforementioned case, on furnishing bail bond of

Rs.25,000/- with a **suitable surety** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Hojai**.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Hojai, without prior written permission from him;

(b) shall not hamper with the investigation of the case and tamper with the evidence of the case;

(c) 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 officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant