

GAHC010098352023



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

Case No. : Bail Appln./1678/2023

SULTAN MAHMUD @ SULTAN MAMUD
S/O MOKBUL HUSSAIN
VILL- NO. 4 MALIBARI PATHAR
P.S. BOKO
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

22.05.2023

Heard Mr. S.H. Sikdar, learned counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Addl. PP for State. Also heard Mr. J. Ali, learned counsel for the informant.

2. This bail application has been filed by the accused-petitioner, namely, Sultan Mahmud @ Sultan Mamud seeking bail in connection with Goalpara P.S. Case No. 74/2023 under Sections 448/376/511 of the IPC (Corresponding to G.R. Case No. 595/2023). The petitioner has been arrested on 03.05.2023 and since then he has been in custody.

3. An FIR dated 22.04.2023 was lodged by the informant making allegations that the accused-person, who is the petitioner herein, taking advantage of absence of her husband at home, unauthorizedly trespassed into the rented room of the informant and tried to forcibly physical relationship with the informant. The said FIR was received and registered as Goalpara P.S. Case No. 74/2023 under Sections 448/376/511 of the IPC.

4. Pursuant to the investigation, the accused-petitioner was arrested on 03.05.2023 and since then he has been in custody. The petitioner is working in a private Bank in Barpeta. It is submitted that the petitioner and the informant are well-known to each other and they reside within the same campus. Because of some misunderstanding relating to a plastic chair of the informant, some altercations took place and the informant had lodged the FIR.

5. This Court vide order dated 16.05.2023 directed the Case diary be called for.

6. Perusal of the case diary reveals that the informant refused to undergo any medical examination and the same is endorsed accordingly by the Sub-Divisional Medical and Health Officer.

7. Mr. J. Ali, learned counsel for the informant has filed an affidavit stating that there was some dispute which arose because of one plastic chair and now the same has been amicably settled and she does not have any grievances against the petitioner.

8. Perusal of the case diary reveals that the investigation has progressed in the matter.

9. Considering the investigation carried on by the police as well as period of detention undergone by the petitioner and also taking note of the absence of any medical investigation of the informant, this Court is of the view that the petitioner can be enlarged on bail.

10. Therefore, the accused-petitioner, named above, shall be released on bail in connection with the aforementioned case, on furnishing a bail bond of Rs. **25,000/-** (Rupees Twenty Five Thousand) with one local surety of like amount to the satisfaction of the Court of Chief Judicial Magistrate, Goalpara, subject, of course, to the following conditions:

(i) That the accused-petitioner shall appear before the Investigating Officer on each and every date till completion of the investigation;

(ii) That the accused-petitioner shall not hamper or tamper with the investigation in any manner;

(iii) That the accused-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 officer; and

(iv) That the accused-petitioner shall not move out the jurisdiction of the Goalpara Police Station without permission of the Chief Judicial Magistrate, Goalpara.

11. Accordingly, the bail application stands disposed of.

12. Return the case diary.

JUDGE

Comparing Assistant