

GAHC010098922023



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

Case No. : Bail Appln./1641/2023

ABDUL ALOM @ ALOM SK.
S/O ROHIM BADSHA
VILL- MANDERPARA
P.S. SUKCHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM
PIN-783135

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

31.05.2023

Heard Mr. A.Z. Ahmed, learned counsel for the accused-petitioner and Ms. S.H. Borah, learned Addl. PP for the State.

2. This bail application has been filed by the petitioner, namely, **Abdul Alom @**

Alom Sk., seeking bail in connection with Sukchar P.S. Case No. 52/2019 under Sections 447/419/325/365/376/34 of the IPC. The accused-petitioner was arrested on 02.05.2023 and since then he has been in custody.

3. The learned counsel for the accused-petitioner submits that by an FIR dated 09.06.2019 was lodged by the informant. It was alleged that the accused persons, named in the FIR, including the present petitioner had abducted the informant by gagging her mouth with a cloth and showing her a dagger. They kidnapped her and taking her on the shoulder of the accused No. 1 named in the FIR. There she had been tortured which causing injuries and was confined for three days in the house of the accused No. 3, who is the petitioner before this Court. Thereafter, the accused No. 1 named in the FIR, committed rape on the informant with a promise to marry her. Such physical relationship was committed against her consent. On 06.06.2019, the said persons armed with *dagger* and *lathi* etc had forcefully taken from the house of the accused No. 3 and left her to her house.

3. The case diary as called for has been received.

4. Upon careful perusal of the case diary and upon perusal of the statement of the informant recorded under Section 164 Cr.P.C., it is seen that the allegations of rape is against the other accused and not against the present accused-petitioner. The medical report did not reveal any injury on her as the alleged physical assault was initiated on 03.06.2019 and the medical examination was carried out on 13.06.2019. The prime accused in the FIR namely, accused No. 1, had in the meantime been granted anticipatory bail by an order of a Co-ordinate Bench of this Court dated 29.05.2023 passed in A.B. 1680/2023.

5. Upon consideration of the submissions made and upon due perusal of the case diary, this Court is inclined to grant bail to the petitioner, as prayed for.

6. Accordingly, 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, South Salmara, subject, of course, to the following conditions:

(i) That the accused-petitioner shall appear before the competent Court on each and every date as and when required;

(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 Competent Court without prior written permission.

7. Accordingly, the bail application stands disposed of.

8. Return the case diary.

JUDGE

Comparing Assistant