

GAHC010101152023



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

Case No. : Bail Appln./1653/2023

SARAPA ALI @ ALI HUSSAIN
S/O MD. NUR ALI
R/O VILL- SATKHALI (RUPAHIKAKH)
P.O. SATKHALI
P.S. SIPAJHAR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.05.2023

Heard Mr. M. Hoque, learned 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, **Sarapa Ali @ Ali Hussain**, in connection with **Sipajhar Police Station Case No. 212/2017(corresponding to G.R. Case No.1005/2017)**, registered **under Section 366(A) of IPC**.

It has been submitted by the learned counsel for the petitioner the FIR was lodged against the petitioner in the year 2017 but he was arrested after five years i.e. in the year 2023. He further submits that the petitioner was arrested on 21.04.2023 and has been detained in custody till today. He also stated that the victim was taken away in Gujrat in the year 2017 by the accused/petitioner and subsequently, the petitioner got married to her and out of their wedlock, one child was born. Considering the background of the case, the prayer of the petitioner may be considered.

Mr. Gogoi, learned Additional Public Prosecutor for the State submits that he has no objection if the prayer of the petitioner is allowed.

Perused the case diary along with statement of the victim recorded under Section 164 Cr.P.C. It reveals that the victim was taken by the accused/petitioner in Gujrat in the year 2017 and out of their wedlock, she became pregnant and one child was born. Subsequently, they returned back to Assam. It also appears that the father of the victim lodged a kidnapped case in the year 2017. Two certificates are available in the record which reveals that the victim was born in the year 2003, to that effect, the learned counsel for the petitioner has produced an Adhar Card and a Pan Card, from which it shows that the victim was born in the year 1999. As per documents placed by the learned counsel for the petitioner, the age of the victim is around 18 years at the relevant time of the incident.

Considering the submissions made by the learned counsel for the parties as well as the materials available in the record, prayer of the petitioner is

allowed.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case **Sipajhar Police Station Case No. 212/2017(corresponding to G.R. Case No.1005/2017)**, on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of learned SDJM(S), Darrang, Mangaldai.

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

(a) shall not leave the territorial jurisdiction of learned SDJM(S), Darrang, Mangaldai, without prior written permission;

(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