

GAHC010108292023



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

**Case No. : Bail Appln./1784/2023**

OLI DEVI NATH  
W/O ABDUL FARUK AND R/O H.NO. 2, HOUSEFED, MAZAR, P.S.-  
HATIGAON, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR A W AMAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**09-06-2023**

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Ms. S.H. Borah, learned Additional Public Prosecutor, Assam.

This Bail Application has been filed by the petitioner, namely, Oli Devi Nath, seeking bail as she are in custody since 18.04.2023 in connection with Paltan Bazar Police Station Case No.188/2023 (arising out of Transferred

Hatigaon Police Station Case No.150/2023) registered under Sections 364(A) of the IPC.

In the FIR dated 17.04.2023, it was alleged by the informant, namely, Uttam Jaiswal that the informant along with his companion, namely, Kanhaya Singh were kidnapped by the husband of the petitioner, namely, Faruk with the help of the other accused persons named in the FIR on 14.04.2023 at around 6 A.M. from Nepali Mandir, Paltan Bazar. Then the informant and his companion were forcibly taken to Hatigaon and kept them locked in a room near to the Hatigaon Masjid. They assaulted them and an amount of Rs.8 to 10 lakhs were demanded from them. The petitioner being the wife of the prime accused Farook, she only served the informant and his companion with food. Learned counsel for the petitioner submits that the petitioner is no way connected with the offences alleged in the FIR dated 17.04.2023 due to which she was taken into custody on 18.04.2023 in connection with Paltan Bazar Police Station Case No.188/2023 (arising out of Transferred Hatigaon Police Station Case No.150/2023) registered under Sections 364(A) of the IPC and has been in custody since then.

This Court on earlier occasions called for the case diary and today, Ms. S.H. Borah, learned Additional Public Prosecutor, Assam has produced the same. Case diary produced has been carefully perused.

Upon perusal of the statements made under Section 164 of the Cr.P.C. by the accused Farook and his associates, the only reference to the petitioner is that she served food to the informant and his companion during the period they remain as hostage. That apart, no other statements were made which can incriminate the petitioner. There is no specific material incriminating the petitioner at this stage which is noticed from the case diary. There are also no

materials in the case diary to suggest that further custodial detention of the petitioner is necessary at this stage of investigation or that she will cause any impediment to the investigation carried on by the police. Taking into account all of the above as well as the period of detention undergone by the petitioner, this Court is inclined to allow this bail petition.

Accordingly, the petitioner, named above, shall be released on bail in connection with the above noted case, upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with 1 (one) local surety of like amount to the satisfaction of the Chief Judicial Magistrate (CJM), Kamrup(M), subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer of the case as and when required till completion of the investigation;
- (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 Kamrup(M) without obtaining prior written permission from the 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 bail granted to the

petitioner.

The Bail Application is accordingly allowed and disposed of.

Return the case diary.

**JUDGE**

**Comparing Assistant**