

GAHC010108672023



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

Case No. : Bail Appln./1793/2023

MEHEDI ALI
S/O NASED ALI, R/O MATANGA, P.S.-SALBARI, DIST-BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 31.05.2023

Heard Mr. N. Uddin, learned counsel appearing for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, namely, Mehedi Ali seeking bail in connection with Geetanagar

P.S. Case No. 67/2023 registered under Section 366(A) of IPC. The petitioner was arrested on 03.04.2023 and since then he has been in custody.

3. It is submitted by the learned counsel for the petitioner that an FIR dated 03.04.2023 was lodged by the informant, one Mayser Ali, wherein it was alleged that his daughter, who was 16 years old at the time of occurrence was missing from his rented house of Bhaskarnagar. Subsequently, the informant came to be informed that the petitioner Mehedi Ali with the help of some unknown had kidnapped his daughter.

4. This Court by earlier order dated 23.05.2023, had called for the case dairy along with medical report. And Mr. B. B. Gogoi, learned Addl. P.P has produced the case diary before this Court as called for.

5. Case diary produced has been carefully perused. The statement of the victim girl made under Section 164 Cr.P.C is available in the case dairy and the same has been carefully perused. In the statement made under Section 164 Cr.P.C, the victim girl did not implicate the petitioner, rather she admitted that she had voluntarily gone away with the petitioner.

6. The medical examination of the victim girl was also refused by her with her signature and endorsement.

7. Perusal of the case dairy otherwise, does not reveal any incriminating materials against the petitioner, which suggest that further custodial detention of the petitioner is necessary for the purpose of investigation of the case. The case has been

investigated, however, till date no charge-sheet has been filed.

8. Upon hearing the learned counsels for the parties and upon due perusal of the case dairy and also taking into account the period of detention undergone by the petitioner, this Court is of the view that the prayer for bail made by the petitioner can be allowed.

9. Accordingly, petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Kamrup (M). The bail, granted however, subject to the following conditions:-

- i) The petitioner shall continue to appear before the police and cooperate with the Investigating Officer as and when required, till completion of investigation.
- ii) The petitioner shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Kamrup (M).
- iii) That the petitioner shall not hamper or tamper with the investigation in any manner; and
- iv) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of

the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

10. If any of the conditions are found to be violated by the petitioner then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

11. With the above direction, the bail petition is accordingly allowed and disposed of.

12. Return the Case Dairy.

JUDGE

Comparing Assistant