

GAHC010114712023



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

**Case No. : Bail Appln./1873/2023**

NUR ALAM @ SANI  
S/O MAINUL HAQUE  
R/O BELSOR

P.S. BELSOR  
PIN-78104  
DIST. NALBARI  
ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP  
ASSAM

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Advocate for : MR. S A HUSSAIN  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

BEFORE  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**13-06-2023**

Heard Mr. D. J. Haloi, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Nur Alam @ Sani** is seeking bail in Baihata Chariali P.S. Case No. 121/2023 registered under Sections 420/406/376 IPC, corresponding to G.R. No. 428/2023, wherein in he was arrested on 22.05.2023 and since then, he is in custody.

The informant on 24.04.2023 lodged a written Ejahar before the Officer-in-Charge of Baihata Chariali Police Station against the present petitioner and other FIR named accused persons alleging they came to his house on 22.07.2021 with a proposal of marriage of his daughter with the present petitioner, namely, Noor Alam @ Sani Ahmed stating that said Noor Alam is working in IDFC Bank. The father and uncle of the petitioner invited the informant to their house. Ultimately, there was a ring ceremony between the present petitioner, Noor Alam and his daughter during which the informant, being the father spent more than Rs.2,00,000/-. After such ring ceremony, the petitioner Noor Alam took some amount of money from the informant for the purpose of his business, but later the FIR named accused persons refused to marry his daughter. Accordingly, the informant lodged the Ejahar, which was accordingly registered as Baihata Chariali P.S. Case No. 121/2023 under Sections 420/406/376 IPC.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the accused Noor Alam along with the other FIR named accused persons were involved regarding the engagement and marriage of the daughter of the informant with said Noor Alam, and that said Noor Alam has already been arrested and detained in custody.

Mr. Goswami from the case diary further submitted that the case diary is silent regarding the incident of committing of any rape on the daughter of the informant. But the case diary reveals that the ring ceremony took place between the present petitioner and the daughter of the informant.

Considering the above, the Court is of the opinion that further custodial detention of the petitioner, namely, **Nur Alam @ Sani** is not warranted to investigate the said Baihata Chariali P.S. Case No. 121/2023. Accordingly, this bail application of the petitioner, named above, in said Baihata Chariali P.S. Case is accepted.

Accordingly, the petitioner, namely, **Nur Alam @ Sani**, be released on bail in said Baihata Chariali P.S. Case No. 121/2023, on furnishing a bail bond of Rs.30,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Judicial Magistrate, First Class,

Rangia, Kamrup on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Baihata Chariali P.S. Case No. 121/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Baihata Chariali Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Baihata Chariali P.S. Case No. 121/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

**JUDGE**

**Comparing Assistant**