

GAHC010132312023



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

Case No. : Bail Appln./2115/2023

AFAJ UDDIN
S/O GIYAS ALI
R/O VILL- TAPABORI
(KHALEKMARA), P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B U LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-06-2023

Heard Ms. S. Nazmeen, learned counsel appearing on behalf of Mr. B.U.Laskar, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Afaj Uddin** is seeking bail in connection with Hajo Police Station Case No. 243/2023 registered under Sections 365/328/376D/395 IPC, corresponding to G.R.Case No. 294/2023 in which he was arrested on 06.04.2023 and since then he is in custody.

This is second bail application of the petitioner in said Hajo P.S. Case No. 243/2023 registered under Sections 365/328/376D/395 IPC.

The complainant/victim has identified the main accused involved in the alleged crime and also identified all the other co-accused of the case who allegedly raped her.

Perused the case diary placed before the Court today by Mr. Goswami, learned Additional Public Prosecutor, Assam.

The case diary reveals the involvement of the petitioner in the alleged crime.

Considering the period of detention of the petitioner in custody since 06.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Hajo P.S. Case No. 243/2023. As such, this bail application of the petitioner, named above, is accepted.

Accordingly, the petitioner, namely, **Afaj Uddin**, be released on bail in said Hajo P.S. Case No. 243/2023 on furnishing a bail bond of Rs.75,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Hajo on conditions that the petitioner shall- (i) appear before the concerned Investigating Officer of said Hajo P.S. Case No. 243/2023 **on every Monday during the 1st half of the office hours between 10:00 am to 02:00 pm in the week commencing from 10.07.2023 for the next 8 (eight) weeks and thereafter**, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Hajo 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, (iv) not, directly or indirectly, make any inducement, threat to the complainant/victim or anyone of her family members or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer and (v) not indulge in any kind of offences or criminal activities in future.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Hajo P.S. Case No. 243/2023 shall stand automatically vacated.

This bail application of the petitioner stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant