

GAHC010142762023



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

Case No. : Bail Appln./2311/2023

IZAZ AHMED
S/O- SOHRAB ALI AHMED, R/O- VILL- BARTALOWA, P.S. DHALIGAON,
DIST. CHIRANG BTC, ASSAM, PIN- 783385.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

21/07/2023

Heard Mr. P K Das, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Izaz Ahmed**, seeking bail in connection with **Bongaigaon P.S. Case No. 217/2023** registered under Sections 354D/ 354C/376(2)(n)/368/295A/506 IPC corresponding to G.R. Case No. 354/2023, wherein he was arrested on 25.05.2023 and since then he is in custody.

As per the FIR of the case lodged by the mother of the victim stating that the petitioner, who was known to her daughter, blackmailed her for the last two years, compelled nude video of her

daughter thereby compelling her to establish physical relation with him and that on 25.05.2023, he forcefully abducted her daughter by enticing her. Later, she came to know that the petitioner abducted her daughter and kept her at Nunjhar, Patiladaha in the residence of the maternal aunt of the petitioner.

Earlier the petitioner approached this Court for his bail in said Bongaigaon P.S. Case No. 217/2023 in Bail Appln. No. 1948/2023 and the Court by order dated 14.06.2023 rejected the bail prayer of the petitioner.

This is petitioner's 2nd bail application in said Bongaigaon P.S. Case No. 217/2023.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam as well as the medical report of the victim and her statement recorded under Section 164 Cr.P.C. before the Sub-Divisional Judicial Magistrate (Sadar), Bogaigaon on 29.05.2023,

By age the victim is found to be major, as per her medical report and also as per her statement specified during recording of her statement under Section 164 Cr.P.C.

From the case diary, it is seen that both the petitioner and the victim girl were recovered from the house of the maternal aunt of the petitioner at Bijni, Patiladaha along with the help of local police.

Considering the materials in the case diary and the period of his detention in custody since 25.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Bongaigaon P.S. Case No. 217/2023. As such, this bail application of the petitioner in said Bongaigaon P.S. Case is accepted.

Accordingly, the petitioner, namely, **Izaz Ahmed**, be released on bail in said **Bongaigaon P.S. Case No. 217/2023** registered under Sections 354D/354C/376(2)(n)/368/295A/506 IPC, on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Bongaigaon P.S. Case No. 217/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Bongaigaon 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 indulge in any offence or any criminal activities in future and (v) not, directly or indirectly, make any

inducement, threat the victim or any of her family members physically and mentally by himself or by his agent or by anyone on his behalf 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, failing which, the bail granted to him in the aforesaid Bongaigaon P.S. Case No. 217/2023 shall stand automatically vacated.

Bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant