

GAHC010150392023



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

Case No. : Bail Appln./2384/2023

SAHER UDDIN
S/O ALIMUDDIN, R/O VILL- SONTOLI SATRA, P.S.-BOKO, DIST-KAMRUP,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.07.2023

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Saher Uddin*, who has been detained behind the bar since 12.06.2023 (39 days) in connection with Boko P.S. Case No. 270/2023 under Sections 366/368 of IPC.

The accusation in this case is that on 11.06.2023, one Atowar Ali, lodged an FIR before the Officer-in-Charge of Sontali Police Station, *inter alia*, alleging that on 04.06.2023 at about 9.00 a.m., his minor daughter was abducted by the present petitioner and his daughter has not returned back to his home. On receipt of the said FIR, Boko P.S. Case No. 270/2023 was registered.

Learned counsel for the petitioner submits that the victim in this case is a major and in support of his contention, the petitioner has produced the registration card of Board of Secondary of the victim girl from where, it appears that the age of the victim as on date is 19 years 8 months 25 days.

Learned counsel for the petitioner also submits that the present petitioner had only carried the victim to Amingaon where her marriage was performed with one Jahur Uddin and the said marriage was consensual.

On the other hand, learned Additional Public Prosecutor has produced the case diary which was called for in connection with this case and has submitted that there are incriminating materials against the present petitioner in the case diary.

I have considered the submissions made by learned counsel for both sides and also perused the materials placed before this Court including the case diary.

Considering the fact that the present petitioner has been detained behind the bar since last 39 days and also considering the fact that the investigation of the Boko P.S. Case No. 270/2023 has otherwise fairly progressed, this Court is of the considered opinion that further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of the Boko P.S. Case No. 270/2023.

In view of the above, the petitioner, namely, *Saher Uddin*, is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of learned Judicial Magistrate, First Class, Boko, subject

to the condition:-

- (i) That the petitioner shall cooperate with the Investigating Officer for fair completion of the investigation,
- (ii) 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 before the trial court.

With the above observations, the instant bail application is hereby disposed of.

JUDGE

Comparing Assistant