

GAHC010165182023



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

Case No. : Bail Appln./2694/2023

MOTLEB ALI @ ABDUL MOTLEB ALI
S/O ABDUL SAMAD ALI
VILL- TILAPARA
P.S. ABHAYAPURI
DIST. BONGAIGAON
PIN-783384

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 17.08.2023

Heard Mr. A. Roshid, learned counsel for the petitioner. Also heard Mr. B.G. Gogoi, learned APP appearing for the State.

2. The petitioner, who was arrested on 20.07.2023, is seeking regular

bail under section 439 Cr.P.C. in connection with Mererchar P.S. Case No. 51/2023, under sections 457/376 IPC.

3. The petitioner is accused of sexually assaulting the victim at 11.00 PM on 18.07.2023 and he was apprehended by the family members and handed over to the Village Defence Party in the next day morning.

4. The learned APP has produced the case diary and has opposed the prayer for bail on the ground that in her statement recorded under section 164 Cr.P.C., the victim has implicated the petitioner of sexually assaulting her.

5. As per the medical examination report dated 25.07.2023 contained in the case diary, it appears that the victim was examined on 19.07.2023 and no external injury was noticed.

6. Having noticed that the petitioner has been in custody for last 29 days, considering the length of detention, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Motleb Ali @ Abdul Motleb Ali in connection with the aforesaid case on furnishing bail bond of Rs.30,000/- with one suitable surety of like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate (M), North Salmara, Abhayapuri.

7. Bail is granted on the following conditions:

I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

II. 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 to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioner shall not misuse his liberty in any manner.

V. The petitioner shall appear before the I/O within 15 (fifteen) days from the date of his release and he shall continue to appear once in every month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

VI. The petitioner shall not make any attempt to meet the victim or any of her family member, and if he does so, the I/O is at liberty to move the jurisdictional Court and apply for cancellation of bail.

8. This application stands disposed of.

9. Case diary is returned.

JUDGE

Comparing Assistant