

GAHC010172272023



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

Case No. : Bail Appln./2766/2023

JOYNUDDIN @ JOYN UDDIN
S/O ASHRAB ALI
VILL- NO. 4 BHANDARA
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.09.2023

Heard Mr. S. Rana, learned counsel for the accused and also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 Cr.P.C. is preferred by the accused, namely,

Joynuddin @ Joyn Uddin, who has been languishing in jail hazot since 30.07.2023, in connection with Manikpur P.S. Case No.137/2023, under Section 365 IPC, for granting bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Azahar Ali on 29.07.2023. The essence of allegation made in the FIR is that on 28.07.2023 accused Jumur Ali and Joyn Uddin had kidnapped one Asmina Khatun, aged 17 years, while she was returning from school.

4. Mr. Rana, learned counsel for the accused submits that the accused is behind the bar for last 44 days and that there was a love affairs between the accused and the victim and out of that affairs the victim eloped with the accused at her own will and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. Whereas, Mr. K. Baishya, learned Additional Public Prosecutor, Assam, has opposed the petition and producing the case diary before this Court Mr. Baishya submits that the I.O. has collected sufficient incriminating materials against the accused and that at the relevant point of time the victim has not attained the majority as her date of birth, so reflected in the School Transfer Certificate, collected by the I.O. is 05.07.2006.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. K. Baishya, learned Additional Public Prosecutor, Assam.

7. It appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case and the victim girl has already been recovered and her statement under Section 164 Cr.P.C. is also recorded and having perused the statement recorded under Section 164 Cr.P.C. and also considering the period of detention in jail hazot as well as the progress of investigation, this Court is of the view that a prima facie case for granting bail to the accused is made out and accordingly, it is provided that the accused, namely, Joynuddin @ Joyn Uddin be released on bail on his executing a bail

bond of ₹ 50,000/-, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon.

8. In terms of above, this bail application stands disposed of.
9. CD be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant