

GAHC010176242023



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

Case No. : Bail Appln./2843/2023

MOZIBOR ALI @ MOZIBAR ALI
S/O- AKBAR ALI, R/O- KALAHIKASH, P.S. BOKO, DISTRICT- KAMRUP,
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 29.09.2023

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of the Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Boko P.S. Case No. 195/2023, under Section 376 of the Indian Penal Code.

Scanned copy of the LCR has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner that the accused is behind the bar since 02.08.2023 and the case has already been Charge-Sheeted and hence, the question of hampering or tampering the evidence does not arise. More so, the victim, being a major woman who lodged the F.I.R. by herself, and hence the question of influencing the victim does not arise even if the accused is granted with the bail. Further, the petitioner is a permanent resident of his addressed locality and hence, there is no chance of absconding if he is enlarged on bail. Rather he will appear before the learned Court below on each and every date of listing.

In this context, the learned Additional Public Prosecutor has submitted that the case is yet to be committed to the learned Session Judge and the statement of the victim is yet to be recorded and in such a situation, there is every probability of influencing the victim of the case if the accused is allowed to go on bail.

After considering the submissions made by the learned counsels for both

sides and also considering the fact that the case has already been Charge-Sheeted and the victim is a major, I find that further detention of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Boko, the accused/petitioner, namely, Mozibor Ali @ Mozibar Ali, be enlarged on bail, subject to the following conditions:

- (i) 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 to the Court or to any police officer; and
- (ii) that the petitioner shall not leave the jurisdiction of the learned Judicial Magistrate First Class, Boko, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant