

GAHC010179122023



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

Case No. : AB/2875/2023

NUR ISLAM
S/O NAJRUL ALI
R/O VILL- MADHAPUR
P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR R ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 01.09.2023

Heard Mr. R. Islam, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

This anticipatory bail application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the present petitioner, namely, Nur Islam, praying for grant of pre-arrest bail to the petitioner, who is apprehending arrest in connection with Mukalmua P. S. Case No. 380/2023 under Sections 366 of the Indian Penal Code.

The accusation in this case is that on 07.02.2023, one Nazrul Islam lodged an FIR before the Officer-in-Charge of Adabari Police Post, *inter-alia*, alleging that his minor daughter was kidnapped by the present petitioner with an intention to marry her and have kept her confined at some unknown steps.

On receipt of the said FIR, Mukalmua P. S. Case No. 380/2023 was registered.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. He also submits that the victim has already recovered and he is ready to co-operate in the investigation.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Mukalmua P. S. Case No. 380/2023 and has submitted that the investigation has fairly progressed and statement of the witnesses including the victim has been recorded.

It is also submitted by learned counsel for the petitioner that though the victim has implicated the present petitioner that she was kidnapped by the present petitioner. However, she has stated that she was not subjected to any physical relationship by the present petitioner during her confinement period.

I have considered the submissions made by learned counsel for the parties as well as perused the materials available on record including the case diary.

Considering the progress made in the investigation as well as considering the fact & circumstances of this case, this Court is of considered opinion that custodial detention of the present petitioner may not be necessary for fair completion of Mukalmua P. S. Case No. 380/2023, if the present petitioner co-operates with the Investigating Officer.

In view of the above, the petitioner, namely, Nur Islam, is hereby directed to appear before the Investigating Officer of Mukalmua P. S. Case No. 380/2023 within a period of ten days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation and if he does so, within the stipulated period of time, in the event of his arrest in connection with Mukalmua P. S. Case No. 380/2023, he shall be allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority with the condition that:

1. That the petitioner shall appear before the Investigating Officer of Mukalmua P. S. Case No. 380/2023, as and when so required for the purpose of investigation:
2. That the petitioner shall not directly or indirectly make any inducement, threat, or promise to the victim or any other person who may be acquainted with the facts of the case, so as to dissuade him or her from disclosing such facts to the Investigating Officer.

With the above observation, this instant bail application is hereby disposed of.
Send back the case diary.

JUDGE

Comparing Assistant