

GAHC010199772022



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

Case No. : AB/2896/2022

SOHEL MONDAL
SON OF SHOFIQUL ISLAM MONDAL
VILL- BORAİKANDI
P.O. KANAIMARA, P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783135

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

15.06.2023

Heard Mr. M. Islam, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, appearing for the State of Assam as well as Ms. D. Ghosh, learned counsel for the informant.

This anticipatory bail application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail of the petitioner, namely, Sohel Mondal, in connection with South Salmara P.S. Case No. 187/2021 (G.R. No. 595/2021) under sections 120(B)/448/366(A) of the IPC.

Scanned copy of the case record which was called for in connection with this case has arrived.

The accusation in this case is that on 08.06.2021, one Babul Khandakar lodged an FIR before In-Charge of Kharuabandha Police OutPost, *inter-alia*, alleging that the present petitioner along with two other accused persons have kidnapped his daughter from their house and have taken her to some unknown place.

Learned counsel for the petitioner has submitted that the other two accused persons have already grant anticipatory bail by this Court.

It is also submitted that in the meantime, the accused has married the victim and he is ready to co-operate in the investigation of this case.

Ms. D. Ghosh, learned counsel for the victim has also submitted that the present petitioner has already married the victim and they are now husband and wife and she does not have objection, if the accused is granted anticipatory bail.

Considering the facts of this case as well as the submissions made by the learned counsel for both the sides, the accused petitioner, namely, Sohel Mondal is directed to appear before the Investigating Officer of South Salmara P.S. Case No. 187/2021 (G.R. No. 595/2021) under sections 120(B)/448/366(A) of the IPC within a period of 15 days from today and shall co-operate in completion of the investigation of this case. If he does so so within stipulated period of time, in the event of his arrest in connection with South Salmara P.S. Case No. 187/2021

(G.R.Case No. 595/2021) under sections 120(B)/448/366(A) of the IPC, the arresting authority shall allow him to go on bail of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority with following conditions:-

- (I) the petitioner shall co-operate with the Investigating Officer of this case;
- (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.

With the above observation, this anticipatory bail stands disposed of.

JUDGE

Comparing Assistant