

GAHC010218332022



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

Case No. : AB/3167/2022

IKRAMIL HUSSAIN
S/O- ABUL KALAM, R/O- VILL- KADAMONI PATHAR, P.S. RUPAHI, IN THE
DIST. OF NAGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 23-02-2023

Heard Mr. P. Borah, learned counsel for the petitioner as well as Mr. Bhaskar Sarma, learned APP for the State.

2. The petitioner, namely, Ikramil Hussain, who is apprehending arrest in connection with Juria P.S. case no. 223/2022 under sections 363/368 of IPC read with section 370/376D of IPC read with section 6 of the POCSO Act

corresponding to GR case no.1649/2022, is seeking pre-arrest bail under section 438 Cr.P.C.

3. The learned APP has produced the case diary and has opposed the prayer for bail. It is submitted that in a statement made under section 164 Cr.P.C., the victim girl who was born on 01.02.2008 and is a minor, has implicated several persons. However, some persons are referred to by their nick names for which the IO is still continuing with the investigation to identify the accused. It is also submitted that one of the co-accused examined by the IO has implicated the petitioner of kidnapping the victim girl.

4. The case diary contains scanty materials against the petitioner of being involved in the offence, which is only as per the statement made by the co-accused. However, but the victim in her statement made under section 164 Cr.P.C has not implicated the petitioner by his formal name. The learned APP has rightly submitted that few names stated by the victim appear to be nick-names. It also appears that the victim girl was allegedly taken to Kerala.

5. Under such circumstances, the Court is inclined to grant interim pre-arrest bail to the petitioner, namely, Ikramil Hussain, by providing that in the event of his arrest in connection with the aforementioned case, he shall be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand only) with one surety of like amount to the satisfaction of the arresting authority.

6. The interim pre-arrest bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any

other investigating agency or Court in the present case as and when required.

2. 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.

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

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

5. On appearance of the petitioner, it would be permissible to the IO to have a TIP conducted in accordance with law by observing requisite formalities.

8. Case diary is returned.

9. Application is disposed of.

JUDGE

Comparing Assistant