

GAHC010259312022



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

Bail Appln./3146/2022

AKKAS ALI
S/O LATE SOMEJ UDDIN
R/O RAHAMPUR
PALHAZI

P.S. BARPETA
DIST. BARPETA
ASSAM

PIN-7810309

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM
GUWAHATI.

Advocate for : MR D J HALOI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 04.01.2023

Heard Mr. DJ Haloi, learned counsel for the accused petitioner and Mr. RR Kaushik, learned Additional Public Prosecutor for the State.

By this 2nd application under Section 439 CrPC, the accused petitioner, namely, **Akkas Ali** has prayed for bail in connection with **Sessions Case No. 157/2021 arising out of Hatigaon PS Case No. 381/2021** u/Section 370/370-A of the IPC r/w Section 3/4/5 of the IT (P) Act.

It may be mentioned herein that earlier vide order, dated 07.06.2022, the bail application of the present accused petitioner was rejected in Bail Application 1122/2022.

The scanned copy of the case diary along with case records is received.

The FIR reveals the allegation that on 27.05.2021, the informant received information that the present accused petitioner along with one Jahidul Islam has been running prostitution work by engaging some minor girl for wrongly gain.

Mr. DJ Haloi, learned counsel for the accused petitioner submits that the accused petitioner is in judicial custody for a prolonged period of 586 days since 28.05.2021 and he also submits accused petitioner's mother expired on 11.12.2022 and as such, he may be allowed to go on bail subject to stringent conditions.

Perused the case records and the case diary.

The case record along with the case diary shows that the accused petitioner has been in judicial custody since 28.05.2021, that is, for 586 days.

Perusal of the records further reveals that charges have been framed under Section 370/370 –A of the IPC r/w Section 3/4/5 of the IT (P) Act against the present accused petitioner and other co-accused persons. Out of 13(thirteen) listed witnesses in the charge sheet, 4(four) witnesses are examined till date. Therefore, this Court finds that the disposal of the case will take a longer time.

Having considered the above aspects of the case more particularly the prolonged period of detention of 586 days already undergone by the accused petitioner, this court is inclined to grant the accused petitioner the liberty of bail.

Accordingly, it is provided that the accused petitioner, namely, **Akkas Ali** shall be released on **bail** on furnishing bail bond of **Rs. 50,000/- (Fifty Thousand)** with 2 (two) sureties of like amount to the satisfaction of the learned **Additional Sessions Judge No. 3, Kamrup (Metro) Guwahati** subject to the following conditions- :

- i) That the accused petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and
- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses; and
- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is accused of commission; and
- iv) That out of the two bailors, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

Breach of any of the above conditions of bail shall render cancellation of the **bail order** in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant