

GAHC010241132023



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

Case No. : Bail Appln./3927/2023

BAHAR ALI
S/O SIDIK ALI
R/O IVLL- BANDAR MATHA
P.S. LAKHIPUR
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

06.11.2023

Heard Mr. S.M. Abdullah P., learned counsel for the accused petitioner. Also heard Mr. M.P. Goswami, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely **Bahar Ali** has prayed for grant of bail in connection with **Hatigaon PS Case No. 321/2023** under Section **498A** of the IPC read with Section **67** of the I.T. Act.

The FIR reveals the allegation that the accused petitioner, who is the husband of the informant victim, had been physically and mentally torturing her since after her marriage. After a quarrel he left her in her rented house and on 01.10.2023, when the informant checked her Instagram and Facebook accounts, she came to know that the accused petitioner had uploaded some naked photos of her and also put her phone number mentioning her as a prostitute.

Mr. S.M. Abdullah P., learned counsel for the accused petitioner, submits that the accused petitioner is in no way involved with the alleged offences. In fact, Mr. Abdullah P. submits that there was a quarrel between the petitioner and the informant as the informant had made some objectionable photographs of the petitioner's father and brother to go viral in the social media. Mr. Abdualah P. also submits that as the accused petitioner has been languishing in jail since 05.10.2023 without any fault of him, he may be released on bail subject to any condition(s).

It is noticed that the accused petitioner has been in judicial custody since 05.10.2023, that is, for 35 days.

Perusal of the FIR and accused Forwarding Report shows prima facie incriminating material against the accused petitioner. However, upon hearing the learned counsel for both sides and consideration of the averments made in the petition along with the documents annexed therewith, this Court is of the opinion that as the matter pertains to domestic domain between husband wife,

further continuation of detention of the accused petitioner, who has been in judicial custody for the last 35 days, may not be required in the interest of the ongoing investigation into the case.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.40,000/- (Rupees Forty Thousand) only** with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup(M), Guwahati** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- ii) That the accused 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 Police Officer or the Court; and
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is accused or suspected of commission.

This disposes of the bail application.

JUDGE

Comparing Assistant