

GAHC010243082023



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

Case No. : Bail Appln./3914/2023

MD. MIFTAHARUL JAMAN
S/O NAMOW @ NAIMUDDIN AHMED
R/O VILL- SALMARA (DAMPUR)
P.S. SIPAJHAR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 19-10-2023

Heard Mr. M. Hoque, learned counsel for the petitioner as well as Ms. A. Begum, learned APP for the State.

The petitioner, namely, Md. Miftaharul Jaman who was arrested on 10.09.2023 in connection with Session case no.308(DM)/2023 in corresponding

to GR case no.567/2023 under sections 448/420/376(1) IPC is seeking regular bail by filing this application under section 439 Cr.P.C.

The learned APP has produced the case diary and has opposed the prayer for bail on the ground that in the charge sheet it is reflected that not only the petitioner has sexually assaulted the victim but her obscene photograph has also been circulated in the social media and one of such photograph has been seized by the police in course of investigation.

Accordingly, it is submitted that the bail should be considered only on perusal of the case records.

On consideration that the petitioner has already remained in custody for 39 days, the Court is of the considered opinion that the further custodial interrogation of the petitioner is not required and the Court is inclined to release the petitioner, namely, Md. Miftaharul Jaman on bail on furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand only) with two sureties to the satisfaction of the learned Sessions Judge, Darrang, Mangaldoi. It is provided that out of two sureties, one should have landed property having sufficient value to cover the bail amount.

Bail is granted on the following conditions:

1. That the petitioner shall appear before the Court in the present case as and when required.
2. That 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. That the petitioner shall not obstruct the smooth progress of the investigation/trial.

4. That the petitioner shall not misuse his liberty in any manner.

5. That the petitioner shall not jump over the bail.

6. The petitioner along with the bail bond shall submit an undertaking before the learned trial Court that he shall appear before the trial Court on all the dates fixed and that on the date he is unable to appear because of certain exigencies, the petitioner will make sure that he is represented by his counsel who would cross-examine the witnesses examined during absence of the petitioner and on the said purpose the petitioner shall also undertake that he will not dispute his own identity or of the identity of the witnesses examined while he is on representation, and shall not seek re-cross examination of such witnesses examined in his absence.

7. The family member of the petitioner is permitted to visit the jail with a certified copy of the order so as to enable the Jailor/ Superintendent of Jail where he is presently lodged to get the signature of the petitioner on the undertaking to be submitted before the learned Sessions Court.

Case diary is returned.

The application stands disposed of.

JUDGE

Comparing Assistant