

GAHC010287712023



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

Case No. : Bail Appln./4627/2023

BABLU HOQUE
S/O LATE EKABBAR
R/O VILL- KOIMARI PART-II
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

22.12.2023

Heard Mr. S. Islam, learned counsel for the applicant. Also heard Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/ applicant, who has been languishing in jail hazot since 09.11.2023 in connection with Golakganj P.S. Case No. 429/2023, under Sections 498(A)/376/323/34 of the Indian Penal Code.

It is submitted by the learned counsel for the applicant, Mr. S. Islam, that the F.I.R. was lodged by the informant against the present accused/applicant with an allegation of rape and she lodged the FIR only after 10(ten) months of the incident. Further, it is seen that the informant got married with the son of the accused/applicant on 06.05.2022 and the FIR was lodged on 20.10.2023 with some false and concocted allegation against the accused/applicant i.e father-in-law of the informant. The actual fact of the case is that, the informant pressurized the accused No.1/husband to stay separately from other family members and when he refused, the informant left her matrimonial house and resided at her parental house. He also submits that the applicant is behind the bar for last 43 days and accordingly, considering the length of detention undergone by the accused/petitioner, he may be enlarged on bail as the I.O. has got sufficient time for his custodial interrogation.

On the other hand, the learned Additional Public Prosecutor, Mr. P. S. Lahkar has raise an objection on the prayer made by the learned counsel for the applicant and he submits that as the case is registered under Section 376 of IPC and the allegation brought against the accused/applicant i.e. the father-in-law of the informant. Thus, he submits that perusal of the Case Diary is necessary at this stage.

Considering the submissions of learned counsels for both sides and also considering the entire facts of the case and further considering the length of detention already undergone by the accused/applicant, i.e. 43 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/applicant in the custody and accordingly, further custodial interrogation of the accused/applicant seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri, Assam, the accused/applicant, namely, Shri Bablu Hoque, be enlarged on bail, subject to the following conditions:-

- (i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicant 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 Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Dhubri, Assam, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant