

GAHC010001442024



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

Case No. : Bail Appln./43/2024

AFTAB ALI @ ALTAB ALI

SON OF GORIB HUSSAIN, RESIDENT OF VILLAGE- DAMPUR,
HAGULABARI, P.S. HAJO, DISTRICT- KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 02-02-2024

Heard Mr. A. Gogoi, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Aftab Ali @ Altab Ali, who has been languishing in jail hajot since 07.12.2023, in connection with Hajo P.S. Case No. 686/2023, under Section 365 IPC.

The above noted case has been registered on the basis of an FIR lodged by one Jayanta Dekha on 25.11.2023.

The essence of allegation, made in the FIR, dated 25.11.2023, is that on 23.11.2023, at about 10 AM in the morning, the accused Aftab @ Altab Ali kidnapped his daughter, namely, Champa Dekha alongwith jewellery and also Rs. 1,50,000/-cash, ATM Card, Clothes and one android mobile phone and at about 7 PM, his daughter contacted him and reported that the accused has been taking her to Siliguri with a view to sell her somewhere else.

Mr. Gogoi, learned counsel for the accused submits that the accused was arrested on 7.12.2023 and since then, he has been languishing in jail hajot for last 58 days and that he is innocent and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P. has produced the case diary before this Court and submits that the victim girl, in her statement recorded u/s 164 Cr.P.C has not supported the prosecution case.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

In view of the materials collected so far in the case diary specially, the statement of the victim girl recorded u/s 164 Cr.P.C, this Court is of the view that a prima facie case is made out for granting bail to the accused. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one

surety of like amount to the satisfaction of the learned Judicial Magistrate Ist Class, Hajo, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant