

GAHC010014972024



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

Case No. : Bail Appln./249/2024

AMIR HAMJA
S/O AMZAD ALI
R/O VILL- NO. 1 KAWADI,P.S. BIJNI, DIST. CHIRANG (BTR), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.02.2024

Heard Mr. M. Khan, learned counsel for the petitioner and Mr. KK Parasar, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely, Amir Hamja, praying for regular bail, who was arrested on 13.01.2024 in connection with Manikpur P.S. Case No. 222/2023, registered under Sections

366/376/420/506 IPC.

Case diary as called for, is received and perused.

Heard both sides.

It is submitted by Mr. Khan, the learned counsel for the petitioner that the accused/ petitioner is innocent and he has not committed any offence as alleged in the FIR. More so, from the statement of the victim girl, recorded under Section 161 CrPC, it is seen that no allegation was made against the accused/ petitioner. Moreover, the accused petitioner is behind the bar for last 27 days and hence, further custodial interrogation is not necessary and he may be enlarged on bail. He has also submitted that the accused petitioner is ready to abide by all the conditions of bail and willing to cooperate with the investigation as and when required.

In this Context, Mr. Parasar, the learned Additional Public Prosecutor has submitted that from the statement of the victim girl recorded by the I.O., it is seen that the victim has not brought any allegation against the accused/petitioner in regards to rape but, allegation of kidnapping is brought against the present petitioner. However, considering the length of detention undergone by the petitioner, prayer for bail may be considered.

After hearing the submissions of the learned counsel for the parties and on perusal of the materials available in the case diary as well as considering the period of detention already undergone by the accused/petitioner, the prayer for bail is allowed. It is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon.

The direction for bail is, however, subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Bongaigaon, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (c) 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.

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

Return the case diary.

JUDGE

Comparing Assistant