

GAHC010020962024



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

Case No. : Bail Appln./316/2024

ASIK IQBAL @ ASIEK EKBOL
S/O JAHIR ALI, R/O. MANDAKATA, P.O. MANDAKATA, P.S. BAIHATA
CHARIALI, DIST KAMRUP, ASSAM. PIN- 781121

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

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

05.02.2024

Heard Mr. A. K. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned 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/petitioner, who has been languishing in jail hazot in connection with Baihata Chariali P.S. Case No. 394/2023, under Section 366 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. A. K. Ahmed, that the accused/petitioner is innocent and he is not involved with the kidnapping of the victim girl as stated in the FIR. It is contended by the petitioner that the victim girl voluntarily eloped with the petitioner but her father lodged the FIR on being aggrieved. He also submitted that the victim girl has been recovered on the same day of the incident and her statement has been recorded by the I.O.

Further, the learned counsel for the petitioner has submitted that the accused/petitioner is a student of Class-XII in Mandakata Higher Secondary School and his final examination is commencing from 12.02.2024 and hence, he prays for enlarging him on bail. He also submits that there is no chance of hampering or tampering the investigation of the case by the petitioner as he is the permanent resident of Kamrup, Assam and he is ready to co-operate the I.O. as and when requires. He has submitted that the petitioner is behind the bar for last 36 days; and accordingly, considering the length of detention undergone by the accused/petitioner as well considering the ground that the victim girl has been recovered on the same of the incident, he may be enlarged on bail as the I.O. has got sufficient time for his custodial interrogation.

On the other hand, the learned Public Prosecutor, Mr. P. Borthakur, has submitted that considering the fact that the victim girl has been recovered and also considering the ground of ensuing examination of the accused/petitioner, he raised no objection on the prayer made by the learned counsel for the petitioner.

Considering the submissions of learned counsels for both sides and also considering the fact that the victim girl has been recovered as well as considering the ground of examination of the accused/petitioner and further considering the length of detention already undergone by the accused/petitioner, i.e. 36 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner 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 SDJM, Rangia, the accused/petitioner, namely, Asik Iqbal @ Asiek Ekbol, be enlarged on bail, subject to the following conditions:

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

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

JUDGE

Comparing Assistant