

GAHC010022232024



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

Case No. : Bail Appln./334/2024

SAFIC ALAM AHMED
S/O- LATE HASSAN ALI, R/O- BASISTHA BARPATTHAR, P.S. BASISTHA,
DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12.02.2024

Heard Mr. S.M. Abdullah P., learned counsel for the accused. Also heard Ms. A. Begum, learned Addl. Public Prosecutor for the State respondents.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Safic Alam Ahmed, who has been languishing in jail hazot in connection with Basistha P.S. Case No. 44/2024, under Sections 354(A)(i)/354(B)/34 of the

IPC, since 18.01.2024, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Smt. X. (name withheld) on 17.01.2024. The essence of allegation made in the FIR dated 17.01.2024 is that on that day, in between 5 to 5:30 p.m., she went to the tailoring house to collect her garment, which she has given there for alteration/modification, and while she tried to take a trial of the garment, then the tailor subjected her to sexual harassment. She then beat the accused with her bag and then the head tailor asked the accused tailor to flee away.

4. Mr. Abdullah P., learned counsel for the accused submits that the accused was arrested on 18.01.2024, and since then he has been languishing in jail hazot for last 24 days and that there was a misunderstanding between the informant and the accused and that the accused is ready to face trial, and therefore, it is contended to allow the application.

5. On the other hand, Ms. A. Begum, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the statement of the victim girl has been recorded wherein she has supported the allegation made in the FIR and that no much progress for the investigation could be achieved till date, and in view of the statement of the informant, the learned Addl. Public Prosecutor submits that this is not a fit case where the privilege of bail can be granted to the accused, and therefore, it is contended to dismiss this application.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Addl. Public Prosecutor.

7. It appears that the I.O. has collected some materials in support of the allegation made in the FIR. Though Mr. Abdullah P. submits that there was a misunderstanding between the informant and the accused, yet the materials collected so far in the case diary does not support the same. Further, it appears that with ulterior motive, the accused has misbehaved with the informant and subjected her to sexual harassment and the investigation is also in the nascent stage.

8. Accordingly, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused at this stage and accordingly, the bail application stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant