

GAHC010023872024



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

Case No. : Bail Appln./370/2024

MD. JOHIRUL ISLAM
S/O LATE ADOM ALI
R/O VILL- MAJGUMI
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR S HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08-02-2024

Heard Mr. S. Hoque, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam for the State respondent.

This application under Section 439 of the Cr.P.C. has been filed for granting bail to the petitioner, namely, Md. Johirul Islam who was arrested on 15.11.2023 in Connection with Chhaygaon P.S. Case No. 364/2023 registered under Section 364-A of the IPC.

It is submitted by the learned counsel for the petitioner that there was love relationship between the

accused petitioner and the victim and the victim proposed to marry her but when the petitioner denied the said proposal of the victim due to her under age, the FIR has been lodged against the petitioner. It is stated that the petitioner is behind the bars for 86 days and considering his length of detention, he may be enlarged on bail.

In this context, the learned Addl. P.P., from the telephonic information received from the I.O., has submitted that the charge-sheet has not been submitted against the present petitioner. However, from the rejection order passed by the learned Sessions Judge, it appears that the accused petitioner had physical relationship with the victim who is admittedly a minor.

Considering submissions made by the learned counsel for the petitioner and without going through the merit of the case, it is seen that the Investigating Officer got sufficient opportunity to interrogate the accused as the petitioner is behind the bars for 86 days.

Considering the submissions made by the learned counsel for both the sides and the length of detention of the petitioner, I find it proper to allow the petitioner to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned CJM, Kamrup, Amingaon the accused petitioner, named above, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
2. 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
3. that the petitioner shall make himself available for interrogation by the I.O. as and when required;

Return the Case diary.

The bail application is disposed of.

JUDGE

Comparing Assistant