

GAHC010024552023



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

Case No. : I.A.(CrI.)/233/2023

SAIFUL HOQUE @ RAHMAN
S/O SOIDUR RAHMAN, R/O SARALDANGA, P.S.- GAURIPUR, DIST.-
DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P., ASSAM.

2:MOZIRA BHANU
D/O- MD. MAZUR ALI
VILLAGE- DAMPUR PT-I
P.O.- ALOMGANJ
P.S.- KAZIGAON
DISTRICT- KOKRAJHAR
PIN- 78333

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.A./99/2023

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DISTRICT- KOKRAJHAR
BTR
PIN- 783339

Advocate for : MR. A ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

01.02.2024

1. Heard Mr. A. Ali, learned counsel for the applicant/appellant. Also heard Mr. D. Das, learned Addl. P.P. for the State respondent.
2. This is an application filed under Section 389 Cr.P.C of the Code of Criminal Procedure, 1973 for granting bail to the accused/petitioner, namely, Saiful Hoque @ Rahman, who was convicted in the judgment and order dated

22.10.2022 passed by the Assistant Sessions Judge, Kokrajhar in connection with Sessions Case No. T-2/25/2019 arising out of Kazigaon P.S. Case No. 104/2017 under Section 363/366/376/34 IPC (G.R. Case No. 1033/2017) whereby, the appellant has been convicted to undergo rigorous imprisonment for 10 (ten) years and to pay fine of Rs. 10,000/- under section 376 IPC.

3. I have heard the submissions made at the Bar and I have also perused the LCR.

4. It appears from the LCR that it is only the statement of the father and the victim recorded before the Court, who has implicated the accused/petitioner, whereas, the other witnesses have stated that the victim has eloped with the petitioner.

5. Further, the medical report indicates no sign of sexual assault within last 70 hours. Further, it appears that the petitioner has been in custody since last 1 year, 3 months, 9 days.

6. Considering the entire matter, the appellant/applicant, namely, Saiful Hoque @ Rahman shall be allowed to go on bail on furnishing of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned Assistant Sessions Judge, Kokrajhar, subject to the following conditions,

i) The applicant/appellant shall refrain from such activities with which he is alleged,

(ii) the applicant/appellant shall not leave the jurisdiction of the jurisdictional Court without prior permission.

7. With the above observation, this interlocutory application stands allowed.

8. This disposes of the interlocutory application.

JUDGE

Comparing Assistant