

GAHC010042392024



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

Case No. : Bail Appln./566/2024

MUNU HAQUE
WIFE OF ZAMANUL HAQUE RESIDENT OF H/NO-34, KRISHNA NAGAR,
KAHILIPARA, NEAR 4TH APBN, NEAR MASJID, PS- DLSPUR, DIST-
KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : P. NAIDING

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05.03.2024

Heard Mr. D. Medhi, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Munu Haque, who have been languishing in jail hazot in connection

with Dispur P.S. Case No. 118/2024, under Section 365 of the IPC, 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 Ashok Shah on 11.02.2024. The essence of allegation made in the FIR dated 11.02.2024, is that on that day, at about 12:30 p.m., one stranger had kidnapped his 18 months old daughter from the footpath while she was playing there.

4. Mr. Medhi, the learned counsel for the accused submits that the accused was arrested on 18.02.2024 and since then, she has been languishing in jail hazot, and that she is no way involved with the offence alleged in the FIR and she is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the victim girl was recovered from the possession of one Jelimon Begum, with whom the present accused has connection and as such, Mr. Baruah has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional Public Prosecutor.

7. In view of the materials collected so far in the case diary as well as the nature and gravity of the offence and also considering the period of detention, further custodial detention of the accused seems to be not warranted here in this case and therefore, this Court is inclined to allow the petition.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M),

Guwahati, the accused be enlarged on bail.

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

10. Case diary be returned.

JUDGE

Comparing Assistant