

GAHC010049992024



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

Case No. : Bail Appln./689/2024

IRFAN ALI
S/O IDRIS ALI
R/O - KHARGULI, AMIYA NAGAR, P.O - KHARGULI, P.S - LATASIL.
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SAYED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

21.03.2024

Heard Mr. M. Mahanta, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 439 Cr.P.C. praying for granting bail to the petitioner, namely, **Irfan Ali**, who was arrested on 23.02.2024 in connection with **Latasil Police Station Case No.200/2023** registered under Section 366 IPC

corresponding registration of G.R. Case No.8127/2023.

The case of the prosecution is that on 30.10.2023, the informant's daughter was kidnapped by the petitioner while she was going to her school. Accordingly, a case was registered.

Mr. M. Mahanta, learned counsel for the petitioner submits that the informant's daughter and the petitioner had a history together and accordingly, the informant's daughter had gone voluntarily with the petitioner to Delhi.

On the other hand, Mr. D. Das, learned Additional Public Prosecutor, Assam strongly opposes the prayer for bail. He submits that the victim is a minor girl and accordingly, the provisions of POCSO have been added. He further submits that the statement of the victim has been recorded under Section 164 Cr.P.C. wherefrom it appears that the victim had gone with the petitioner on her own to Delhi.

I have considered the submissions made at the Bar and perused the materials available on the record. It appears that the investigation has substantially progressed and the statements of the witnesses as well as the victim have been recorded. It also appears from the case diary that the petitioner was last interrogated on 23.02.2024, i.e. on the date of arrest. It further appears that the petitioner has been languishing in jail since last 30 days.

As such, this Court is of the considered view that further detention of the petitioner may not be required for the ongoing investigation.

Considering the facts and circumstances of the case, it is provided that the petitioner named above shall be released on bail in connection with the aforementioned police station case on furnishing a bail bond of **Rs.30,000/- (Rupees Thirty Thousand) only** with one surety of the like amount to the satisfaction of the learned **Special Judge (POCSO), Kamrup (Metro)** subject to the following conditions:-

- i) The petitioner shall co-operate with the investigation of the case.
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail order shall stand cancelled.

With the aforesaid observations and directions, this bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant