

GAHC010060052024



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

Case No. : Bail Appln./891/2024

LALCHAND ZODDAR @ LALCHAN ZODDER
S/O ABDUL LATIF ZODDAR, R/O VILL- BOYZERALGA PT. III, P.O.-
BONDIHANA, P.S.-BONDIHANA, DIST- DHUBRI, ASSAM, PIN-783349

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 10.04.2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, Lalchand Zoddar @ Lalchan Zodder who has been languishing in jail hazot in connection with Dispur P.S. Case No.221/2024 under Section 366/34 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that he is innocent and has not committed any offence as alleged in the FIR. It is a fact that he was with the victim girl and they were having cup of tea in a tea stall where some general public came there and on some misunderstanding they were caught hold and he was handed over to police. However, the statement of the victim girl has already been recorded by the I/O as well as by the Magistrate under Section 164 Cr.P.C.

The petitioner is behind the bar since 14.03.2024 and he is ready and willing to appear before the I/O in further investigation of the case, if he is granted with the privilege of bail.

In this context, learned Additional Public Prosecutor has submitted that from the statement of the victim recorded under Section 161 Cr.P.C. as well as 164 has implicated the present accused/petitioner.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) Guwahati, the accused/petitioner, namely, Lalchand Zoddar @ Lalchan Zodder, be enlarged on bail, subject to the following conditions:

- i.that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- ii.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
- iii.that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M) Guwahati, without prior permission.

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

Return the case diary.

JUDGE

Comparing Assistant