

GAHC010060512024



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

Case No. : Bail Appln./873/2024

YOUNUS ALI
S/O MEHBUL HOQUE
R/O NAYAPARA, WARD NO. 5,
P.O. AND P.S. GOALPARA,
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D A KAIYUM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 03.04.2024

Heard Mr. D.A. Kaiyum, 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 Cr.P.C. praying for bail by the petitioner namely Younus Ali in connection with Goalpara P.S. Case No. 22/2024 under Sections 366/379/34 IPC.

Case diary is not received. No intimation is received from the I/O.

It is submitted by the learned counsel for the petitioner that the victim has already been recovered and she is a married woman. Learned counsel for the petitioner further submits that false and concocted allegation of theft has been brought against the accused petitioner. He is no way connected in the alleged offence, rather it is the victim, who came to the place of the accused petitioner and he accordingly sent her to her in-laws house and at present she is residing with her husband. Further he is behind the bar since 29.02.2024, thus the I/O got ample opportunity to interrogate the accused in the custody.

In this context, learned Additional Public Prosecutor has submitted that this is a case registered under Section 366/379 IPC and hence, perusal of the case diary may be necessary.

After considering the submissions made by the learned counsel for both sides as well as the contents of the First Information Report(FIR) vis-a-vis the recovery of the victim, I find that custodial interrogation may not be necessary for further investigation of the case.

Considering the entire aspect of the matter and the length of detention already undergone by the accused petitioner, I find it proper to allow the accused petitioner named above to go on bail on furnishing a bail bond of Rs.20,000/- with the satisfaction of the learned CJM, Goalpara subject to the following conditions:-

- i. 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
- ii. that the petitioner shall not leave the jurisdiction of the learned CJM, Goalpara, without prior permission.

With the above observation and direction, the bail application stands disposed of.

JUDGE

Comparing Assistant