

GAHC010062672024



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

Case No. : Bail Appln./904/2024

ABDUL MALIK
SON OF HAZRAT ALI,
R/O VILL- FOREST GATE,
P.S. GOALPARA,
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD. I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.04.2024

Heard Mr. I. Hussain, learned counsel for the petitioner. Also heard
Mr. R. J. Boruah, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal
Procedure, 1973, has been filed by the petitioner Abdul Malik, who has

been detained behind the bars since 29.12.2023 (for last 97 days) in connection with Krishnai Police Station Case No. 142/2023 corresponding to GR No. 1591/2023 under Section 376(2)(L) of the Indian Penal Code.

The gist of accusation against the present petitioner in this case is that he has committed rape of physically disabled daughter of the first informant and the first informant had lodged the FIR to that affect before the Officer In-charge of Krishnai Police Station 28.12.2023.

The learned counsel for the petitioner has also submitted that the petitioner has been detained behind the bars for last 97days and he is entitle to default bail under Section 167 of the Code of Criminal Procedure.

Learned Additional Public Prosecutor, who has produced the case diary has also submitted that on perusal of the case diary, it appears that the charge-sheet has not yet been laid and, therefore, it makes no observation, and he has no objection as regards the grant of default bail to the above named petitioner.

In view of above, the above named petitioner is allowed to go on bail of Rs. 30,000/- with one surety of like amount subject to the satisfaction learned Chief Judicial Magistrate, Goalpara with the following conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant