

GAHC010063092024



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

Case No. : Bail Appln./892/2024

AKIKUL HOQUE @ ATIKUL HOQUE
S/O LATE NUR MAHAMMAD
VILL- BALAPARA, P.S. GOSSAIGAON
DIST. KOKRAJHAR, ASSAM
MOBILE NO. 7002778142

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 22.04.2024

Heard Mr. A.K. Ahmed, learned counsel for the applicant and Mr. D Das, learned Addl. PP, Assam appearing for the state respondent.

This application under section 439 of the Code of Criminal Procedure, 1973 is preferred by accused, namely, ***Akikul Hoque @ Atikul***

Hoque who was arrested on 15.03.2024 in connection with **Dispur PS Case No.210/2024** under sections **366 IPC**.

The petitioner was arrested on 15.03.2024 and he is behind the bars since then.

Case diary called for is received and perused

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. Investigation is almost over and the accused person is thoroughly interrogated by the investigating agency. There is no legal evidence against the present applicant to connect him with the alleged offence. The learned Counsel further submits that the applicant is in custody since 15.03.2024 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicant on bail.

Considered the material so far collected which reveals that the I/O has almost completed the investigation and the statement of the victim has also been recorded. Though the victim was taken for medical examination, but she refused to get her examination done by the doctors. It is also revealed from the statement of the victim that she has not implicated the accused.

Considering the period of detention and without commenting anything on the merits of the case, this Court is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.

It is directed that the applicant, above named, in connection with the aforementioned case be released on bail on his furnishing a bond in the sum of Rs.30,000/- (Rupees thirty thousand Only) with one solvent surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, with the following conditions:

I. The applicant shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

II. The applicant shall not hamper with the investigation of the case and tamper with the evidence of the case;

III. The applicant 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 them from disclosing such facts to the court or to any police officer.

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

JUDGE

Comparing Assistant