

GAHC010063802024



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

Case No. : Bail Appln./914/2024

SK MUSADDIQUE JAHAN
S/O MD. EUNUS ALI SK AND RESIDENT OF PADMABILL, PS GOSSAIGAON,
DIST KOKRAJHAR, ASSAM 783360

VERSUS

THE STATE OF ASSAM AND ANR
REP BY PP ASSAM

2:LUTFOR RAHMAN
S/O LATE SARHAP ALI

RESIDENT OF JOYPUR
PS AND DIST KOKRAJHAR ASSAM 78337

Advocate for the Petitioner : MR. A LAL
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

10.04.2024

Heard Mr. A. Lal, learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor representing the State of Assam. Ms. R.D. Mozumdar, learned counsel appears for the informant.

2. This is an application under Section 439 of the CrPC in respect of Kokrajhar P.S. Case No.51 of 2024 under Sections 366/376(1) read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. It is alleged in the FIR that on the day of occurrence, the petitioner had taken 17 year old victim in his scooter to a hotel. It is further alleged that the petitioner had raped the girl in the said hotel.

4. Today, the informant has filed an affidavit stating that he has no objection if bail is granted to the present petitioner.

5. Mr. Lal submits that that the petitioner had taken the girl to the restaurant only and there was no sexual intercourse between them.

6. After hearing both sides, this Court is of the opinion that the petitioner no longer deserves to be detained in custody for any further period time. His bail application is allowed.

7. The petitioner Sk. Musaddique Jahan shall be released on furnishing bail bond of ₹20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kokrajhar.

The Bail Application is disposed of.

JUDGE

Comparing Assistant