

GAHC010064942024



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

Case No. : Bail Appln./967/2024

MD. ABDUL HALIM AHMED
SON OF TALEB ALI, R/O. VILLAGE SARVITA, BALIJAN, P.S. BAGHBOR, DIST.
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. T BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.04.2024

Heard Ms. A. Das, learned counsel for the accused and Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, Md. Abdul Halim Ahmed who has been languishing in jail hazot, in connection with the **Dispur P.S. Case No. 159/2024**, under Sections 323/376/420/34 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by the informant Smt. 'X' (name withheld), on 25.02.2024. The essence of allegations made in the FIR is that the informant was in relationship with the accused since 4 years back and with a promise to marry her he also maintained physical relation with her and on 25.02.2024, at about 7:00 a.m., she came to know that the accused is staying with another lady in his rented house and immediately she went to his rented house, where she found both of them inside the room and upon asking regarding their relation both the accused assaulted her.

4. Ms. Das, learned counsel for the accused submits that the accused was arrested on 29.02.2024, and since then he has been languishing in jail hazot for last 50 days. Ms. Das further submits that the allegations leveled in the FIR are false and that he is ready to cooperate with the investigating agency and therefore, Mr. Das has contended to allow the petition.

5. On the other hand, Mr. Das, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the offences are serious in nature and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It is not in dispute that the accused was arrested on 29.02.2024, and since then he has been languishing in jail hazot for last 50 days. Further, considering the materials collected so far in the case diary, especially the statement of the victim woman recorded under Section 164 of the Cr.P.C. this Court is of the view that his further custodial detention may not be warranted in the interest of investigation.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup (M) at Guwahati**, the accused persons be enlarged on bail.
9. In terms of above, this bail application stands disposed of.
10. The case diary be returned.

Comparing Assistant

JUDGE