

GAHC010065662024



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

Case No. : Bail Appln./937/2024

MAHIBUR RAHMAN @ RAJ DEWAN
S/O SYED HABIBUR RAHMAN
R/O KASIKATA (HAMLAKUR)
P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 24-05-2024

Heard Mr. S M Mollah, learned counsel for the petitioner. Also heard Mr. M P Goswami learned Addl. PP, State of Assam.

This application under section 439 Cr.P.C is preferred by accused namely ***Mahibur Rahman @ Raj Dewan***, who has been

languishing in jail hazot in connection with **Hajo PS Case No.71/2024** under sections **417/376/506 IPC** read with section 67(A) of Information Technology Act for granting bail.

The petitioner was arrested on 03.03.2024 and since then he is in custody.

The allegation leveled in the FIR against the petitioner is that the petitioner promised to marry the victim and taking advantage of such relation he had physical relation with the victim and also got those intimate moments video graphed and threatened to make the videos viral and committed rape on her.

Perusal of the case diary reveals that the statement of the victim under sections 161 Cr.P.C as well 164 Cr.P.C has been recorded and the mobile handset of the accused where the video was recorded had already been seized by the IO.

Considering the period of detention and the materials so far collected by the I.O, this court is of the view that further custodial detention of the petitioner may not be necessary. Accordingly it is directed that the petitioner, above named, in connection with the aforementioned case be released on bail on his furnishing a bond of Rs.30,000/- (Rupees thirty thousand only) with one solvent surety of the like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Hajo, Assam with the following conditions:

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

II. The petitioner shall not hamper with the

investigation of the case and tamper with the evidence of the case;

III. 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 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