

GAHC010080392024



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

Case No. : Bail Appln./1173/2024

FARIDA BEGUM
D/O MOHAMMAD HUSSAIN
R/O MANGALDOI SAPORI
P.S. MANGALDOI
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

30.04.2024

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 07.03.2024 in connection with Jalukbari P. S. Case No.117/2024 registered under Section 120-B/323/342/387/392/506/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Islam that the accused/petitioner is innocent and she is not at all involved in the alleged offence. It is contended by the petitioner that the informant has brought some false and concocted allegation in the FIR against the accused/petitioner. Further, the accused/petitioner was arrested on 07.03.2024 and since then, she is behind the bar for the last 54 days. Thus, the IO got ample opportunity to interrogate the present accused/petitioner by keeping her in the custody. Further, she is still ready and willing to co-operate the IO in further investigation of the case, if she is granted with the privilege of regular bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the accused/petitioner. The Case Diary, reveals that she along with some other person were running a racket of prostitution which is a crime against the society. However, he submits that the length of detention may be considered to enlarge the accused/petitioner on bail.

Considering the submissions of learned counsel for both sides and without going into the merit of the case and further considering only the length of detention undergone by the accused/petitioner, i.e. 54 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Farida Begum, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make herself available for interrogation by the Investigating Officer as and when required;
- (ii) that 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 her from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant