

GAHC010085412024



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

Case No. : Bail Appln./1236/2024

RAJIB ALI
S/O JALIL ALI,
VILL.- UKHURA,
P.S.- HAJO, DIST.- KAMRUP, ASSAM.

VERSUS

STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR A NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.05.2024

Heard Mr. A. Nath, 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 arrested in connection with Hajo P.S. Case No. 120/2024, under Sections 417/376/307/506/ 109 of the Indian Penal Code (corresponding to GR Case No. 195/2024).

It is submitted by Mr. A. Nath, learned counsel for the petitioner, that both the accused/petitioner as well as the victim had love affairs for about last 3-4 years and their physical relationship was also consensual and the family members of the accused/petitioner also sent the marriage proposal to the family members of the victim. But, subsequently, due to some misunderstanding, the accused/petitioner refused to marry the victim and hence, the present F.I.R. has been lodged with some false and concocted allegation. The accused/petitioner is behind the bar for last 34 days and thus, the I.O. got sufficient time for his custodial interrogation and accordingly, it is prayed that considering his length of detention, he may be enlarged on bail. However, he is ready and willing to co-operate with the I.O. in the further investigation of this case if his co-operation is needed.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that considering the materials available in the Case Diary, nature of offence alleged against the present accused/petitioner, viz-a-viz the length of detention already undergone by the accused/petitioner, further custodial detention of the present accused/petitioner may not be necessary here in this case and accordingly, his prayer may be considered.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner in the custody and accordingly, I find that further custodial interrogation of the accused/petitioner seems to be not necessary for the interest of investigation.

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(R), Amingaon, the accused/petitioner, namely, Rajib Ali, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the I.O. and shall make himself available for interrogation by the I.O. as and when required in connection with the aforesaid P.S. Case;
- (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 him 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(R), Amingaon, without prior permission.

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

JUDGE

Comparing Assistant