

GAHC010095452024



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

Case No. : Bail Appln./1373/2024

AJIJUL HOQUE @ AZIZUL HOQUE
S/O LATE ASKAR ALI
R/O VILL- BILASIPARA, WARD NO. 6,
P.S. BILASIPARA, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N J DAS

Advocate for the Respondent : PP, ASSAM

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

15.05.2024

Heard Mr. N. J. Das, 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 hazot since 11.03.2024 in connection with Bagribari P.S. Case No. 23/2024, registered under Sections 354/354-A/376/376-C of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Das that the accused/petitioner and the victim were in love relationship and the FIR itself reveals that there was some relationship between them and only under pressure of the informant, the victim leveled false allegation against the petitioner. More so, the victim was 21 years of age at the relevant time of the incident and as per her consent only that incident had happened. He also submitted that the accused/petitioner is behind the bar since 11.03.2024 and thus, the I.O. got sufficient time for his custodial interrogation keeping him in the custody and hence, considering his length of detention, he may be enlarged on bail. Further, the accused/petitioner is ready and willing to co-operate the IO, as and when his cooperation will be needed.

In this context, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that the accused/petitioner is behind the bar for a considerable period and hence, considering his length of detention, his bail prayer may be considered.

After hearing the submissions made by the learned counsels of 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 keeping him in custody and accordingly, I find that further custodial interrogation of the accused/petitioner is not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kokrajhar, Assam, the accused/petitioner, namely, **Ajijul Hoque @ Azizul Hoque**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself 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 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, Kokrajhar, without prior permission.

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

JUDGE

Comparing Assistant