

GAHC010098402024



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

Case No. : Bail Appln./1404/2024

INADUL HOQUE @ INDADUL HOQUE
S/O MAJU ALI @ AJIR ALI
R/O VILL-BIJULIBARI, P.O. MAROL,
PS. SIPAJHAR
DIST. DARRANG, ASSAM
PIN-784145

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR. S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-05-2024

Heard Mr. S. Rahman, learned counsel for the petitioner Inadul Hoque @ Indadul Hoque.

2. The petitioner has filed this application under Section 439 of the Code of

Criminal Procedure, 1973 (CrPC) with a prayer for bail as he is behind bars since 12.04.2024 in connection with Sipajhar Police Station Case No. 47/2024 under Sections 448/376 of the Indian Penal Code, 1860 (IPC for short).

3. The allegation against the petitioner is that he entered the victim's house at about 9 P.M. and on the pretext of asking for water, he committed rape on the victim.

4. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State, who has raised objection against the bail application, stating that there are incriminating materials in the Case Diary against the petitioner.

5. I have scrutinized the Case Diary.

6. The Case Diary reveals that investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the remaining part of investigation. I have considered the submission that the petitioner is the sole bread winner of his family and he is taking care of his old and ailing parents. The petitioner is a local resident and he is not flight risk.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed.

8. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang under the following conditions that:

(i) *The petitioner shall refrain from such activities with which he is alleged.*

(ii) *The petitioner shall not exercise threats to the witnesses.*

(iii) The petitioner shall not leave the jurisdiction of Court without prior permission till completion of investigation.

9. On breach of any of the bail conditions, bail order shall stand cancelled.

10. In the above terms and observations, this Bail Application stands disposed of.

JUDGE

Comparing Assistant