

GAHC010103292024



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

Case No. : Bail Appln./1514/2024

KHAN BABLUR RAHMAN
S/O MD. BAHADUR KHAN
R/O VILL- BALIKURI RUBI
P.S. KALGACHIA
DIST. BARPETA, ASSAM
PIN NO. 781319

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-05-2024

- 1.** Heard learned counsel Mr. S. Islam for the petitioner.
- 2.** The petitioner namely, Khan Bablur Rahman has filed this application under

Section 439 Cr.PC with prayer for bail as he is behind bars since 11.04.2024 in connection with Sessions Case No. 205/2022 arising out of Satgaon P.S. Case No. 88/2013 u/s 366(A)/34 IPC.

3. Heard Ms. A. Begum, learned Addl. PP., Assam.

4. It is submitted on behalf of the petitioner that he was earlier granted bail after the case was committed to the trial Court but due to some lack of communication with the learned counsel representing him in the trial Court, the petitioner failed to appear and then he was arrested and forwarded to custody. It is also submitted that the petitioner has not committed any offence u/s 366(A)/34 IPC. The FIR and the statement of the victim u/s 161 Cr.PC clearly reveals that no offence u/s 366(A)/34 IPC is made out against the petitioner. However, the petitioner is willing to co-operate with the trial. He was working as a Home Guard and he is a local resident.

5. Learned Addl. PP Ms. A. Begum has raised objection stating that without going to the statement of the victim u/s 161 Cr.PC bail cannot be considered.

6. I have considered the submissions at the Bar with circumspection. I have perused the FIR and the statement of the victim u/s 161 Cr.PC. I have considered the submission that the petitioner is willing to co-operate with the trial.

7. Considering all aspects, petition is allowed. Petitioner is enlarged on bail of Rs. 50,000/- (Rupees Fifty thousand) with a suitable surety of like amount to the satisfaction of the learned trial Court. The trial Court may impose conditions to secure the attendance of the petitioner.

JUDGE

Comparing Assistant