

GAHC010104532024



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

Case No. : Bail Appln./1507/2024

HIRAK JYOTI SARMA
S/O SRI GOPAL CH. SARMAH
R/O VILL- RAJAPUKHURI
P.S. PALASHBARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-05-2024

- 1.** Heard learned counsel Mr. M. Ahmed for the petitioner.
- 2.** The petitioner namely, Hirak Jyoti Sarma has filed this application under Section 439 Cr.PC with prayer for bail in connection with Palashbari P.S. Case

No. 164/2024 u/s 366 IPC.

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

4. The FIR unfolds that while watching Bihu function, two boys kidnapped the victim. After a thorough search by the victim's family members, the victim was found standing on a bridge in the Rani Forest area.

5. It is submitted on behalf of the petitioner that the victim was having a love affair with the other miscreant Mridul Das, and the victim willingly came with them. She was not kidnapped. While they were chatting on a bridge, the victim was found by family members and a false case has been slammed against the petitioner. It is submitted that the petitioner is a local resident and is willing to co-operate with the investigation. The petitioner is a young lad of 23 years.

6. I have considered the submissions at the Bar.

7. The learned Addl. PP has raised objection stating that bail cannot be granted without perusal of the Case Diary.

8. I have considered the submissions at the Bar with circumspection. The petitioner is behind Bars for 28 days. Investigation has progressed to a considerable extent. The petitioner is willing to co-operate with the remaining part of the investigation. The petitioner is a local resident and he is not a flight risk.

9. Considering all aspects and in view of the foregoing discussions, 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 CJM, Kamrup, Amingaon under the conditions that:-

i. The petitioner shall refrain from such activities with which he is alleged;

- ii. the petitioner shall not exercise threats to the informant and try to influence to the witnesses.
- iii. the petitioner shall not leave the jurisdiction of the Court till completion of investigation.

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

JUDGE

Comparing Assistant