

GAHC010115242024



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

Case No. : Bail Appln./1678/2024

SADDAM ALI
S/O SAHAR ALI
VILL- BHANGNAMARI,
DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. W RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-06-2024

Heard Mr. W. Rahman, learned counsel for the petitioner Saddam Ali, who has filed this application under Section 439 of Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since 17.05.2024 in

connection with Hajo Police Station Case No. 132/2024 registered under Sections 365/376(D) of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the State respondent. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against the petitioner. The petitioner is not entitled to bail. The staggering magnitude of the offence does not entitle the petitioner to bail.

3. The learned counsel for the petitioner has submitted that the prime accused is the accused No. 1 named in the FIR and the present petitioner is not complicit.

4. In this case the FIR reveals that the victim was kidnapped by the accused No. 1 and the other accused which also includes the present petitioner made an attempt to sell the victim.

5. I have scrutinized the Case Diary. There are incriminating materials in the Case Diary against the petitioner. One accused is yet to be arrested. It appears that investigation may be adversely affected if the petitioner is enlarged on bail. The allegations are of kidnapping, gang rape and human trafficking. At this juncture, I am not inclined to grant bail in favour of the petitioner.

6. Petition stands rejected at this stage.

7. Send back the Case Diary.

JUDGE

Comparing Assistant