

GAHC010120202024



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

Case No. : Bail Appln./1731/2024

NURUL HASSAN
S/O- CHANDMIAN MANDAL, R/O- VILLAGE GURU NANAK NAGAR,
STADIUM ROAD,
(NEAR MASJID),
P.S AND DIST-BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.06.2024

Heard Mr. M. Khan, learned counsel for the petitioner, Nurul Hassan.

2. The petitioner has filed this application under Section 439 Cr.P.C.,

with prayer for bail, as he is behind bar since 06.06.2024, in connection with Jalukbari P.S. Case No. 268/2024, registered under Sections 354(D)/376/377/406/506 of the Indian Penal Code, 1860.

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State of Assam and Mr. B. Talukdar, learned counsel for the informant.

4. The allegation against the petitioner is that the petitioner and the victim had a love relationship, but the petitioner committed sexual assault on the victim on several occasions at Lisa Guest House.

5. The learned Additional Public Prosecutor has raised objection stating that there are sufficient incriminating materials in the case diary against the petitioner and the petitioner has brutally assaulted the victim.

6. The learned counsel for the informant has also raised objection stating that the petitioner has committed sexual assault not only to the victim, but he had relationship with other women also.

7. I have scrutinized the case diary. Indeed the incriminating materials against the petitioner. Investigation has progressed to a considerable extent.

8. It appears that custodial interrogation of the petitioner is not warranted for the progress of investigation of the case. The petitioner is local resident and he has pledged to cooperate with the remaining part of investigation. The petitioner is willing to abide by any stringent bail

conditions.

9. In view of my foregoing discussions, petition is allowed. The petitioner namely, Nurul Hassan is enlarged on bail of Rs. 50,000/-, with two suitable sureties of the like amount out of which one of the sureties should be a Government servant to the satisfaction of the learned Eleka Magistrate, under the conditions that:-

- i) the petitioner shall refrain from such activities, with which she is alleged;
- ii) the petitioner shall not exercise threats to the witnesses; and
- iii) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of investigation.

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

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant