

GAHC010121492024



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

Case No. : Bail Appln./1754/2024

MUTALIM ALI
S/O LATE HUSSAIN ALI
VILL- JALUWABASTI
P.O. KAKOI RAJGARH
P.S. BOGINODI
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.06.2024

Heard Ms S G Baruah, learned counsel for the petitioner, Mutalim Ali, who has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 19.05.2024, in connection with Boginodi PS Case No. 13/2024, corresponding to GR Case No. 310/24, under Sections 365/34 IPC and added Section 370(4) IPC.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.
4. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. The petitioner is booked under a serious offence. Investigation is still under progress and investigation may be adversely affected if the petitioner is enlarged on bail. The staggering magnitude of the offence does not entitle the petitioner to bail.
5. It is submitted on behalf of the petitioner that the informant's mother boarded the vehicle and proceeded towards Chungkrang to hand over the victim as domestic help to the co-accused. The victim's grandmother is involved in human trafficking. The informant is the victim's mother. The petitioner is innocent.
6. On the contrary, the learned Additional Public Prosecutor has submitted that the minor victim was only 12 years old when she was sold for a consideration. The Case Diary clearly reveals that the petitioner sold the victim like a commodity and committed an offence of human trafficking.
7. I have perused the Case Diary.
8. Indeed, there are incriminating materials against the petitioner. The victim is only 12 years old. Her statement has been recorded under Section 164 CrPC. The merits of this case are not brought to the fore as this case is still under investigation. However, the Case Diary reveals that investigation has progressed to a considerable extent. Further

custodial detention may not be required.

9. I have considered the submission that the petitioner will abide by any stringent bail conditions.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one suitable surety of the like amount to the satisfaction of the learned Elaka Magistrate, under the conditions that:-

- i) the petitioner shall appear before the IO on every fortnight, till completion of investigation,
- ii) the petitioner shall not exercise threats to the witnesses and try to influence the witnesses, and
- iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant