

GAHC010124752024



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

Case No. : Bail Appln./1824/2024

SIDDIQUE ALI @ MD. ABU BAKKAR SIDDIQUE
S/O RAMJAN ALI
R/O VILL/TOWN- NAGABANDHA (NIGAM)
P.S. LAHARIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:MUSTT. RUKIA KHATUN (INFORMANT)
W/O MD. OSMAN ALI
R/O VILL/TOWN- NAGABANDHA (NIGAM)
P.S. LAHARIGHAT

DIST. MORIGAON
ASSA

Advocate for the Petitioner : MS. S K NARGIS, MS N SULTANA, MS S BEGUM

Advocate for the Respondent : PP, ASSAM, MR. M ALAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.07.2024

1. Heard learned counsel Ms. S. K. Nargis for the petitioner Siddique Ali.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 10.01.2024 in connection with POCSO Case No. 51/2024 arising out of Laharighat P.S. Case No. 05/2024 under Sections 376D/506 of the IPC.
3. It is submitted on behalf of the petitioner that the accused No. 1 and 2, named in the FIR are his driver and handyman and the petitioner is the owner of three or four trucks. It is submitted on behalf of the petitioner that a false case has been slammed against the petitioner and the statement of the victim under Section 161 of the Cr.PC is not similar to her statement under Section 164 of the Cr.PC and the statement of the victim's mother is also not similar to the statement of the victim. It is submitted that the FIR was lodged after 4 months leaving enough scope for fabrication of the FIR.
4. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State and Mr. M. Alam, learned counsel on behalf of respondent No. 2.
5. I have considered the submissions at the Bar with circumspection.
6. The petitioner is behind bars for 202 days.
7. It is submitted on behalf of the petitioner that he is willing to co-operate with the DNA test, and if it is found that he is the father of the victim's child, he is willing to face the consequences.

8. The petitioner has vehemently denied and he has sired the victim's child. It is submitted on behalf of the petitioner that when the incident occurred, about 4 months ago, no FIR was lodged, but the victim found that she is pregnant, and so a false case has been slammed against the petitioner.

9. I have considered the submission that the petitioner is willing to co-operate with the trial and also to abide by any stringent bail conditions if imposed upon him.

10. The petitioner is a local resident and he is not a flight risk.

11. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The 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 under the condition that:

(i) the petitioner shall not leave the jurisdiction of the Court without prior permission till completion of the trial.

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

JUDGE

Comparing Assistant