

GAHC010125242024



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

Case No. : Bail Appln./1808/2024

SOFIQU ALI @ SOFIQUEL ALI
S/O MANNAN SHEIKH @ MANNAN ALI
VILL- MADHYAM SATIPUR
P.O. DHALIGAON
P.S. KAJALGAON
DIST. CHIRANG, BTC, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D A KAIYUM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

24.06.2024

1. Heard learned counsel Mr. D. A. Kaiyum for the petitioner, Sofiquel Ali @ Sofiquel 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 24.05.2024 in connection with Kajalgaon P.S. Case No. 58/2024 under Section 448/376 of the IPC.
3. Also heard Mr. K. K. Parashar, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has raised serious objection stating that the forwarding report reveals that the petitioner has confessed that he was involved in the incident.
5. The allegation against the petitioner is that he sneaked into the informant's room at about 12.30 a.m. midnight on 24.05.2024 and outraged the modesty of the informant while she was sleeping on the same bed with her husband. Thereafter, the petitioner also attempted to commit rape on the informant. When she raised alarm, the petitioner fled.
6. It is submitted on behalf of the petitioner that a false case has been slammed against him as the informant's husband had to pay Rs 40,000/- to the petitioner. The petitioner was the informant's driver but the informant's husband failed to pay his salary. It is also further submitted that it is not possible that when the husband and wife were sleeping on the same bed, any other person will be able to sneak into the same bedroom and commit an offence of such grievous nature.
7. I have considered the submissions at the Bar with circumspection.
8. It appears that investigation may have progressed to a considerable extent, as the petitioner is behind bars for 31 days
9. The petitioner has pledged to co-operate with the remaining part of the investigation and abide by any stringent conditions imposed upon him.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed.

11. The petitioner is enlarged on bail of Rs.50,000/- (Rs. Fifty Thousand), with a suitable surety of like amount to the satisfaction of the CJM, Chirang (Kajalgaon) under the conditions that;

(i) the petitioner shall refrain from any such activities with which he is alleged,

(ii) the petitioner shall not exercise threats to the witnesses and try to influence them, and

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

JUDGE

Comparing Assistant