

GAHC010126292024



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

Case No. : Bail Appln./1867/2024

SAYED KHAIRUL ISLAM
S/O SAYED MOHIBULLA,
RESIDENT OF VILLAGE HATIGAON, BISHNU JYOTI PATH WAHIDA
APARTMENT, 3RD FLOOR, 3E, PS HATIGAON, DIST KAMRUP (M) ASSAM
PERMANENT RESIDENT TALIA BEBEJIA, PS JURIA, DIST NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR S PAUL

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

18.07.2024

Heard Mr. S. Paul, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the accused/petitioner, who has been arrested in connection with All Women P.S. Case No. 31/2024, under Sections 376(2)(n)/342/ 506/509/354D of the Indian Penal Code *read with* Section 66/67A of the IT Act.

Case Diary has been received. Perused the same. Heard both s/ides.

It is submitted by Mr. Paul, learned counsel for the petitioner, that both the accused/petitioner and the informant were known to each other and they have some physical relationship with each other since the year 2021. But, after some time, she went to her own village and later on, when she come back and proposed to open one beauty shop and the petitioner helped her financially. But, subsequently, she started cheating him and for which, there was a quarrel between them and the petitioner asked her to return the money and then only, with some concocted allegation, she lodged the F.I.R. against the present petitioner. He is behind the bar for last 44 days and hence, considering the length of detention, he may be enlarged on bail. He is still ready and willing to co-operate with the I.O. as and when his co-operation will be required.

Mr. Das, learned Additional Public Prosecutor, has submitted in this regard

that the victim has implicated the present accused/petitioner in her statements recorded under Section 161 & 164 Cr.P.C. However, it cannot be denied that she was also a consenting party to the physical relationship between them. Accordingly, Mr. Das submitted that considering the length of detention, his bail prayer may be considered.

Considering the submissions made by the learned counsels for both sides, without going by the merit of the case and only considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in custody and accordingly, I find that further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/petitioner, namely, Sayed Khairul Islam, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant