

GAHC010131292024



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

Case No. : Bail Appln./1896/2024

MONUL NARAH
S/O CHANDRESWAR NARAH, RESIDENT OF VILLAGE RUWADNAGAR,
KHANAPARA, PS DISPUR DIST KAMRUP M
PERMANENT ADDRESS VILLAGE DHEMAJI CHARIALI, KAITANG
KOTHAGURI, PS AND DIST DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MS. R. R. SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.06.2024

1. Heard learned counsel Mr. S. Ali for the petitioner Monul Narah.
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 31.05.2024 in connection

with Sonapur P.S. Case No. 110/2024 under Section 366 of the IPC.

3. Heard Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has raised serious objection against prayer for bail without perusal of the Case Diary.
5. The allegation against the petitioner is that he has kidnapped the victim and kept her confined with him for 4 days.
6. I have considered the submissions at the Bar with circumspection.
7. It is submitted at the Bar that the victim has already been recovered.
8. It is apparent from the FIR that the victim had liberty to call her family members while she was with the petitioner which clearly reveals that the victim went away and eloped with the petitioner on her own volition. It is also submitted that the petitioner had a love relationship with the victim.
9. It is further submitted that the petitioner has been incarcerated in a false case. The petitioner refused to marry the victim as he is already a married person and so a false case has been slammed against the petitioner.
10. Considering all aspects and in view of my foregoing discussions, it appears that bail may be granted to the petitioner. Petition is allowed. The petitioner is enlarged on bail of Rs 50,000/- each, with suitable surety of like amount to the satisfaction of the Elaka Magistrate under the conditions that

- (i) the petitioner shall co-operate with the investigation and not try to influence the witnesses, and
- (ii) 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