

GAHC010131612024



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

Case No. : Bail Appln./1895/2024

HAKIM ALI
S/O LATE SAMSHER ALI
R/O PASCHIM PADYAGHAT VILLAGE, P.S. KALAIGAON, DIST. DARRANG,
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MS SURAYA RAHMAN, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 28.08.2024

Heard Mr. S Nawaz, learned counsel for the petitioner and
Mr. M.P. Goswami, learned Addl. PP, Assam appearing for the state
respondent.

This second successive bail application is filed by the
petitioner namely, Hakim Ali under section 439 of the Code of
Criminal Procedure, 1973 who was arrested on 28.02.2024 in

connection with ***Hatigaon PS Case No.37/2024*** under section ***323/376 IPC***.

The petitioner was arrested on 28.02.2024.

The investigation has in the meantime completed and the investigating officer has filed the charge sheet being CS No.54/2024 on 30.04.2024.

This court under its order dated 28.06.2024 called for the scanned copy of the case record of Sessions Case No.128/2024 pending before the learned Additional Sessions Judge No.4, Kamrup (M) and also called for the scanned copy of the case diary of Hatigaon PS Case No.37/2024.

Registry has produced the scanned copies. Perused the same.

Charges were framed under section 376 IPC by the learned trial court below under its order dated 29.06.2024, however, trial has not progressed further. Though summons were issued on 12.07.2024, no witnesses have appeared till date.

Perused the statement of the victim recorded under section 164 Cr.P.C, the FIR and the medical report etc.

Considering the matter in entirety, and in the given facts, this court is of the view that, if the petitioner is granted bail with stringent condition, the same will not hamper the prosecution and that completion of trial may take some time.

Considering the matter in entirety, the petitioner above named, in connection with the aforementioned is allowed to go on bail on his furnishing a bond of Rs.50,000/- (Rupees fifty thousand

only) with one solvent surety of the like amount to the satisfaction of the learned Additional Sessions Judge No.4, Kamrup (M) with conditions that:

I. The petitioner shall not leave the territorial jurisdiction of the learned trial court without prior written permission;

II. The petitioner shall not hamper with the investigation of the case and tamper with the evidence of the case;

III. 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 them from disclosing such facts to the court or to any police officer.

IV. The petitioner shall not by any way or means approach the victim or try to contact her physically or over phone, or through social media.

In the event of failure to comply the conditions, the the bail granted to the petitioner may be recalled.

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

Return the case diary.

JUDGE