

GAHC010133672024



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

Case No. : AB/1731/2024

IMDADUL HUSSAIN BARBHUIYA
S/O MAKRAM ALI BARBHUIYA, RESIDENT OF VILL. RANGPUR PART- III,
P.S. KATLICHERRRA, P.O AND DIST- HAILAKANDI, ASSAM,

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 11-07-2024

Heard Ms. S.B. Choudhury, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor appearing for the State.

2. The present application has been instituted by the petitioner under Section 438, Code of Criminal Procedure, 1973 praying for grant of bail in connection

with Katlicherra Police Station Case no. 1/2023 under Section 366(A)/34, Indian Penal Code.

3. I have perused the materials brought on record and have also considered the contentions made by the petitioner that the victim is a minor and in this connection, has placed on record the Aadhar Card of the said victim. It is further submitted by the learned counsel for the petitioner that the victim is presently with the informant and accordingly, there can be no apprehension of influencing the victim if the petitioner is enlarged on bail.

4. Ms. Bora, learned Additional Public Prosecutor has vehemently opposed the grant for bail to the petitioner herein on the ground whether the victim girl has been recovered or not. However, considering the submission made by Ms. Choudhury that the girl is with the informant, the said objection is not considered.

5. Considering the above facts, the petitioner in the event of his arrest, is directed to be enlarged on bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with a surety of like amount to the satisfaction of the arresting authority, subject to the following conditions :-

(1) That the petitioner shall appear before the Investigating Officer of the case within a period of 7 (seven) days from today and have his statement recorded and thereafter, co-operate with the Investigating Officer in the manner as may be required from time to time by the said authority.

(2) 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

(3) That the petitioner shall refrain from such activities with which they are alleged.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant