

GAHC010138962024



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

Case No. : Bail Appln./2042/2024

MILTON SHEIKH
S/O AJIBUR SHEIKH @ AZIBAR RAHMAN, R/O VILL- LAKHIMARI PART-III,
P.S.-GOLAKGANJ, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H ROHMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.08. 2024

Heard Mr. H. Rahman, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

Case diary is received and perused.

Heard both sides.

This is an application under Section 483 of BNSS, 2023, filed by the petitioner, namely

MILTON SHEIKH, praying for release on bail in connection with Golakganj P.S. Case No. 70/2024 (G.R. Case No. 342/2024) under Section 376 IPC

It is submitted by Mr. Rahman, the learned counsel for the petitioner that the petitioner was arrested in connection with this case on 09.06.2024 and since then he has been detained in custody for last 55 days. He further submits that the petitioner is innocent and he is in no way connected with the alleged offence and a false and concocted allegation is projected against the present petitioner. He has submitted that considering the period of detention, the petitioner may be enlarged on bail and the petitioner is a permanent resident of the locality and there is no chance of absconding or jumping of the bail. However, the petitioner is ready and willing to appear before the I.O. and cooperate with the investigation of the case, if he is enlarged on bail by this Court.

On the other hand, Mr. Sarma, the learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the present petitioner and the medical report shows that there is mark of injury on her face and neck and other prosecution witnesses supported the prosecution version. However, considering the period of detention, his prayer may be considered.

Having heard the submissions of the learned counsel for both the parties and considering the entire aspect of the matter, without going through the merit of the case, only considering the period of detention, I am of the view that custodial interrogation may not be required and hence, I find it to be a fit case to enlarge the accused petitioner on bail.

Accordingly, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Dhubri in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

1. shall not leave the territorial jurisdiction of the learned CJM, Dhubri, without prior written permission from him/ her;
2. shall not hamper in the investigation of the case and tamper with the evidence of the case; and

3. 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.

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

Return the case diary.

JUDGE

Comparing Assistant