

GAHC010139702024



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

Case No. : Bail Appln./2044/2024

BIJENDAR SINGH ALIAS VIJENDER AND ANR
S/O- GORELAL SINGH @GORELAL,
R/O- DEV NAGAR, HANSI ROAD, H.NO-651, WARD NO-31,
P.O AND P.S- BHIWANI,
DIST- BHIWANI,
HARYANA,
PIN-127021

2: RAJESH SINGH ALIAS RAJESH
S/O- LATE DHARAM SINGH

R/O- JEITO MANDI NEAR TIBBI SAHIB GURDWARA

P.O- JEITU

P.S- FARIDPUR
DIST- FARIDPUR
PUNJAB
PIN-15120

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR I HOQUE

Advocate for the Respondent : PP, ASSAM

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

23.07.2024

Heard Mr. I. Hoque, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of bail to the accused/petitioners, who have been languishing in jail hazot since 26.05.2024 in connection with Nagaon P.S. Case No.482/2024 (Corresponding to G.R. Case No.1113/2024) registered under Sections 365/325/34 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

The learned counsel for the petitioners, Mr. Hoque, submits that the accused/petitioners are innocent and they are not at all involved in the alleged offence. It is contended that petitioner No. 2 is not the FIR named person and being the relatives, they are actively searching for the victim girl. It is submitted that the victim is a major girl and may have eloped with her boyfriend. Therefore, their names have been falsely implicated by the informant solely with the intention to harass them. More so, the accused are behind the bar since 26.05.2024 and thus, the IO got ample opportunity to interrogate the petitioners keeping them in custody. Accordingly, it is submitted that the further custodial detention of the present accused/petitioners are not necessary and accordingly, prayed to allow the accused/petitioners to enlarge on bail; they are still ready to co-operate the IO in further investigation of the case, as and when

their co-operation will be required, if the same is allowed.

In this context, the learned Additional Public Prosecutor, Mr. Sharma, has submitted that based on the materials available in the Case Diary and the IO's notes, it is evident that the victim girl has not been recovered till date. Despite this, the petitioners have been in custody for the past 59 days. Therefore, considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail.

Considering the submissions of the learned counsels for both sides, as well as the submission made by the learned Additional Public Prosecutor, it appears that the charge-sheet cannot be submitted either today or tomorrow in the present case. Given that the accused/petitioners have already been detained for 59 days, I am of the opinion that the Investigating Officer (I.O.) has had sufficient opportunity to interrogate them while in custody. Therefore, further custodial interrogation of the accused/petitioners does not seem necessary in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with two sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon, the accused/petitioners, namely, **1. Sri Bijendar Singh @ Vejender** and **2. Sri Rajesh Singh @ Rajesh**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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; and

- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Nagaon, without prior permission.

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

JUDGE

Comparing Assistant