

GAHC010151462024



2024:GAU-AS:8411

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

Case No. : Bail Appln./2211/2024

SAMIN MORTAZA
S/OMD. SIRAJUL HOQUE
R/O VILL- SANOWATARI
P.O. SIPAJHAR,
P.S. SIPAJHAR
DIST. DARRANG, ASSAM,
PIN-784145

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : SIRAJ CHOUDHURY, MR. T ISLAM, MR. S MUNIR, MS. S SULTANA, B ALI SK

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

28.08.2024

Heard Mr. S. Munir, the learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant

of regular bail to the petitioner Samin Mortaza who has been arrested in connection with Hajo P.S. Case No.242/2024, registered under Sections 329(4)/64/62 of BNS.

3. One married woman has alleged that the petitioner is her colleague where she works as a professional. On the day of occurrence while the said woman was in her house, the petitioner entered into her house and tried to commit rape upon her. She says that at that time her husband came in and he saved her.

4. While the petitioner filed a bail application before the court of the Sessions Judge, an affidavit was filed on her behalf wherein she stated that the entire incident had happened on mutual consent and she had no objection if the petitioner was released on bail.

5. The said affidavit is still available in the case diary.

6. After hearing the learned counsel of both sides and after going through the contents of the case diary, this Court is of the opinion that the petitioner does not deserve to be detained in custody for any further period of time. His bail application is allowed.

7. The petitioner Samin Mortaza who has been arrested in connection with Hajo P.S. Case No.242/2024, registered under Sections 329(4)/64/62 of BNS, is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Hajo, Kamrup.

The bail application is disposed of accordingly.

JUDGE

Comparing Assistant