

GAHC010156682024



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

Case No. : Bail Appln./2326/2024

JOHIRUL ISLAM
S/O LATE ABU BAKKAR SIDDIQUE, R/O VILL- KAZIPARA, WARD NO. 4,
P.S.-CHAPOR, DIST- DHUBRI, ASSAM, PIN-783371

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MS. J GHOSH, MS. U NANDA, MR. F A HASSAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 27.08.2024

Heard Mr. S. C. Biswas, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for granting bail to Johirul Islam, who was arrested on 18.06.2024 in connection with Chapor P.S. Case No.99/2024.

3. The informant lady aged about 22 years has claimed that she is a physically handicapped person and on 14.06.2024, the present petitioner had entered into her house and committed rape upon her.

4. The Case Diary shows that except the present petitioner, there are no other eye witnesses. The victim, after the incident, went out of the house and informed her neighbours about the said incident.
5. Mr. Biswas, learned counsel for the petitioner submits that the petitioner lives in a house which is adjacent to the house of the informant and there he has been living since his birth.
6. According to Mr. Biswas, there are some land disputes between them, which might have caused the informant to file the FIR.
7. The Medical report available in the Case Diary also failed to show that the informant was raped on the day of occurrence.
8. Considering all these, this Court is of the opinion that the petitioner no longer deserves to be detained in custody.
9. The bail application is allowed.
10. It is hereby directed that Johirul Islam was arrested in connection with Chapor P.S. Case No.99/2024 shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned SDJM, Bilasipara.
11. The bail application stands disposed of.
12. Case Diary shall be returned.

JUDGE

Comparing Assistant