

GAHC010161612024



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

Case No. : Bail Appln./2392/2024

ABDUL SATTAR
S/O YESUF ALI
RESIDENT OF VILLAGE RAMANI PATHAR, PS KACHUA, DIST NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 27.08.2024

Heard Ms. P. Borah, 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 praying for granting bail to the petitioner Abdul Sattar, who was arrested in connection with Bhangagarh P.S. Case No.86/2024.

3. The informant has alleged that she came to Guwahati for Medical treatment of her mother and, therefore, she along with her mother were staying in a rented house near the hospital.

4. According to the informant, one day the petitioner, who also belongs to the same village came to her house and on some pretext requested her to allow him to stay in that house. The informant initially declined to allowed him to stay in her house but subsequently allowed him to stay. That night, after her mother fell asleep, the petitioner allegedly committed rape upon her.
5. The Case Diary reveals that the petitioner was the person, who had arranged the rented house of the informant and on the day of occurrence, the petitioner was staying with the informant for the whole day.
6. I have considered the submissions made by the learned counsel of both the sides, this Court is of the opinion that the petitioner does not deserve to be detained in custody for any further period of time.
7. The bail application is allowed.
8. It is hereby directed that the petitioner Abdul Sattar was arrested in connection with Bhangagarh P.S. Case No.86/2024 shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati.
9. The bail application stands disposed of.
10. Case Diary shall be returned.

JUDGE

Comparing Assistant