

GAHC010165992024



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

Case No. : Bail Appln./2440/2024

ABDUL SALAM
S/O LATE TAYAB ALI,
PERMENENT RESIDENT OF VILLAGE GOPAL NAGAR, PS HOJAI DIST
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MR S A BARBHUYAN, SAMIM
RAHMAN, MS SURAYA RAHMAN, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

26.09.2024

Heard Mr. S. Nawaz, the learned counsel appearing for the petitioner. Also heard
Mr. R.J. Baruah, 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 Abdul Salam who was arrested on 08.07.2024 in connection with Hojai P.S. Case No.207/2024, registered under Sections 64/351(1)/115(2)/3(5) of the BNS, 2023.

3. The allegation brought against the 68 year old petitioner is that he had committed rape upon a 19 year old girl. The petitioner submits that this is a false case lodged against him because he apprehended the girl while she was committing theft of money in his house.

4. The case diary shows that the victim girl is the only witness. There are no other witnesses in support of the prosecution case against the present petitioner.

5. I have considered the submissions made by the learned counsel of both sides.

6. The petitioner has already spent 81 days in judicial custody. This Court is of the opinion that the petitioner no longer deserves to be detained in judicial custody for any further period of time. His bail application is allowed.

7. It is hereby directed the petitioner Abdul Salam who was arrested on 08.07.2024 in connection with Hojai P.S. Case No.207/2024, registered under Sections 64/351(1)/115(2)/3(5) of the BNS, 2023, is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hojai, Sankardevnagar.

The bail application is disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant