

GAHC010169142024



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

Case No. : Bail Appln./2501/2024

MD. WAHABUR RAHMAN
S/O LATE CHAND M ALI, R/O VILL- NEW DEHAR KURIHA, P.O.-SANIADI,
P.S.-HAJO, DIST-KAMRUP (R), ASSAM, P/R/A HOUSE NO. 28, IDGAH ROAD,
SIJUBARI, HATIGAON CHARIALI, GUWAHATI-781038, DIST- KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N HASAN, MR. I K BURAGOHAIN, MR. A HASAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.08.2024

1. Heard learned counsel Mr. N. Hasan for the petitioner Md. Wahabur Rahman.
2. The petitioner has filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 09.08.2024 in connection with Bhangagarh Police Station Case No. 61/2024 under Sections 354(B) of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he has outraged the modesty of a student of G.M.C.H. of Paramedical Educational Institute. It is submitted on behalf of the petitioner that the petitioner was a contractual worker and that his services have been terminated. He was forwarded to custody on the same day and thus further custodial detention may not be required for the purpose of investigation.

5. I have considered the submissions at the Bar. It appears that investigation may have presumably progressed to a certain extent. The FIR was lodged by the victim herself.

6. The petitioner has pledged to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him.

7. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup, (M) under the conditions that:

- (i) The petitioner shall co-operate with the remaining part of the investigation,
- (ii) The petitioner shall refrain from such activities with which he is alleged, and

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

JUDGE

Comparing Assistant