

GAHC010175472024



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

Case No. : Bail Appln./2585/2024

SAHID ALI
S/O SAIFUL HUSSAIN @ SHARIFUL HUSSAINM P/R/O VILL- GOLIBANDA,
P.S.-BARPETA, DIST-BARPETA, ASSAM, AND P/R/A 4TH FLOOR, HOUSE NO.
2, MILAN PATH, RUKMINI NAGAR, P.S.-DISPUR, DIST- KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD A RAHMAN, MS. A KHATUN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.09.2024

- 1.** Heard Md. A. Rahman, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.
- 2.** This application has been filed under Section 483 of the BNSS, 2023 has been filed by the petitioner, namely, Sahid Ali, who has been detained

behind the bars since 24.07.2024 (for last 47 days) in connection with Dispur P.S. Case No. 755/2024 under Sections 127(7)/ 64(1)/ 76/ 75(2)/ 351(2)/ 308(4)/ 304(2) of the BNS Act, 2023.

3. The gist of accusation in this case is that on 23.07.2024, the victim had lodged an FIR before the Officer-in-charge of Dispur Police Station, inter alia, alleging that the petitioner has been harassing her mentally as well as physically by confining her in a room in the fourth floor of House No. 2, Milan Path, Rukmini Nagar and made obscene videos of her and blackmail her to post those videos in the social media. He also submits that she was rescued after she was made appeal for help on social media.

4. The learned counsel for the petitioner has submitted that the petitioner is having consensual relationship with the victim since last one year and the allegations made in the FIR are not true. He also submits that the petitioner has already been detained behind the bars for last 47 days and considering the custodial length of detention, he may be allowed to go on bail.

5. On the other hand, learned Additional Public Prosecutor has vehemently opposed the grant of bail to the petitioner and has produced the case diary of Dispur P.S. Case No. 755/2024.

6. I have considered the submissions made by learned counsel for both the sides and have perused the case diary which was called for in connection with this case including the statement of victim which is recorded under Section 183 of the BNSS Act. There are sufficient incriminating materials against the petitioner in the case diary and the manner the victim has been tortured as appears from her statement made under Section 183 of the BNSS Act, this

Court is not inclined to grant bail to the present petitioner at this stage.

7. Accordingly, this bail application is rejected.

8. Send back the case diary.

JUDGE

Comparing Assistant