

GAHC010178972024



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

Case No. : Bail Appln./2635/2024

LATIF HUSSAIN
S/O PISHU SEKH, R/O VILL- H.NO. 208, GERAMARI PART-II, P.O.-
GERAMARI, P.S.-GERAMARI, P.S.-GAURIPUR, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A ALI, MR. D BORA,MR Z RAHMAN,MS. M KHATUN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 05.11.2024

Heard Mr. N. Mahajan, learned counsel appearing for the petitioner as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 483 of the BNSS, 2023 whereby the petitioner, Latif Hussain has prayed for releasing him on bail, after he was

arrested in connection with Dispur P. S. Case No. 805/2024 under Section 123/64(2) of the BNSS, 2023.

3. A 18 year old was working in a home stay, where another 30 year old married girl also worked. The petitioner was a manager of the said home stay. On the day of occurrence, he alongwith the victim girl and the other girl had bear. After that, the other girl left the room. It is alleged that the other girl had bolted the door from outside. It is further alleged by the other girl that the accused had committed rape upon the informant girl inside the room of the home stay.

4. In her statement u/s 183 of the BNS, 2023 the victim girl has implicated the present petitioner. The other girl has stated before police that initially she thought that both the petitioner and the 18 year old girl were having relationship with consent. She stated that later on she came to know that the petitioner had forcibly committed rape on her.

5. Mr. Mahajan has submitted that the petitioner had already spent 80 days in custody and the period of detention already undergone by the petitioner in custody should be taken as a ground for releasing him on bail.

6. I have considered the submissions made by the learned counsels of both sides.

7. After hearing the learned counsels of both sides, this Court is of the opinion that under the given circumstances of the case, the period of detention already undergone by the petitioner in custody deserves should be taken as a ground for releasing him on bail.

8. The petitioner, namely, Latif Hussain, who was arrested in connection with Dispur P. S. Case No. 805/2024, shall be released on bail of Rs.25,000/- with a

surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

9. The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant