

GAHC010197652024



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

Case No. : Bail Appln./2883/2024

SAHID ALI
S/O SAIFUL HUSSAIN @ SHARIFUL HUSSAIN
VILL- KORAGARI /KAWIMARI
P.S. SARTHEBARI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:JUNALI CHETIA
D/O SRI BISHNU CHETIA
PRESENT ADDRESS-
HOUSE NO. 2
4TH FLOOR

MILAN NAGAR PATH

RUKMINI NAGAR

GUWAHATI-06
P.O. DISPUR
DIST. KAMRUP (M)
ASSAM
M.NO. 81339305

Advocate for the Petitioner : MR K BHUYAN, MR. M U E BHUYAN

Advocate for the Respondent : PP, ASSAM, R K TALUKDAR (R-2)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 03.10.2024

1) Heard Mr. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. K. Das, learned Additional Public Prosecutor for the State of Assam as well as Mr. R. K. Talukdar, learned counsel appearing for the victim.

2) This application under Section 483 of the BNSS, 2023 has been filed by the petitioner Sahid Ali, who has been detained behind the bars since 24.07.2024 for last 71 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 made appeal for help on social media.

4) The learned counsel for the petitioner has submitted that earlier also the petitioner approached this Court, however on that occasion his prayer for bail was rejected by this Court in Bail Application No.2585/2024. He has submitted that the petitioner is having consensual relationship with the victim since last 1 year and the allegation made in the FIR are not true.

5) The learned counsel for the petitioner has also submitted that the victim girl has also filed an affidavit in this Case, wherein she has stated that she has not written and file the FIR and the same was written by some other person and the petitioner did not commit any rape with her. The victim girl is in live-in relationship with the petitioner since last 1 year and she has no objection, if the petitioner is released on bail.

6) On the other hand, learned Additional Public Prosecutor has submitted that in the Case Diary there are implicating materials against the petitioner and hence he has vehemently opposed the grant of Bail to the petitioner.

7) The learned counsel for the victim girl has submitted that the victim has no objection, if the petitioner is allowed to go on bail.

8) Considering the facts and circumstances of this case as well as considering the materials in the Case Diary, affidavit submitted by the victim girl as well as the fact that the petitioner has already been behind the bars for last 71 days, his further custodial detention does not appear to be necessary, if he co-operates with the Investigating Officer in the investigation of the Case.

9) Hence, in view of the above, the petitioner is hereby allowed to go on bail of Rs.30,000/-(Rupees Thirty thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(Metro) subject to the conditions that:-

- (i) the petitioner shall co-operate in the investigation,
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

- 10)** This Bail Application stands disposed of.
- 11)** Send back the Case Diary.

JUDGE

Comparing Assistant