

GAHC010199982024



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

Case No. : Bail Appln./2926/2024

MD MOJIBUR RAHMAN
S/O MD. SAYAD ALI, R/O VILL- BORIJANI, P.S.-HAJO, DIST- KAMRUP (R),
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 28.10.2024

Heard Mr. M. Hoque, learned counsel appearing for the petitioner as well as Mr. RJ Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for releasing the petitioner, Md. Mojibur Rahman on bail, after he was arrested in connection with Dibrugarh P.S. Case No. 292/2024.

3. The allegation against the present petitioner is that he had committed rape upon the girl.

4. Mr. Sarma submits that today is the 92nd day of detention of the petitioner in custody.
5. On the other hand, Mr. Baruah submits that police did not file the FIR because the case diary is lying in this Court. Mr. Baruah further submits that the victim girl has implicated the present petitioner.
6. I have considered the submissions made by the learned counsels of both sides.
7. According to law, the present petitioner is entitled to default bail.
8. Therefore, the bail application of the petitioner is allowed.
9. It is hereby directed that the petitioner, Md. Mojibur Rahman shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dibrugarh.
10. The bail application stands disposed of accordingly.
The CD shall be returned.

JUDGE

Comparing Assistant