

GAHC010210662024



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

Case No. : Bail Appln./3057/2024

NASIBUL AHMED
S/O LT. SAHADAT AHMED, R/O PADMAPUR MUSLIM GAON, P.S.-LALUK,
DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

28.10.2024

Heard Mr. S. G. Baruah, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Nasibul Ahmed**, has prayed for grant of bail in connection with **Makum P.S. Case No.35/2024 corresponding to GR Case No. 660/2024**

under Sections **143/111 of BNS, 2023, R/W Section 80/81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.**

It is submitted by the learned counsel for the petitioner that the name of the petitioner is not mentioned in the FIR and he is no way connected with the alleged offence as he was totally unaware about the fact. It is further submitted that the petitioner is the only earning member of his family consisting of his wife, who is presently four months pregnant and the minor daughter. It is further submitted that the accused petitioner has been languishing in judicial custody for last 47 days since his arrest on 11.09.2024. Considering the length of detention, the petitioner may be enlarged on bail.

Mr. Sarma, learned Additional Public Prosecutor has produced the case diary and submits that on being shown by the accused petitioner, the minor victim girl was recovered from Itanagar. However, he has made objection in granting bail to the petitioner.

I have considered the submission of the learned counsel for both the parties and also perused the case diary. The only allegation against the petitioner is that on the basis of his information the minor victim girl was recovered from Itanagar.

In view of the above and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **SDJM (S), Tinsukia.**

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned SDJM (S), Tinsukia without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant