

GAHC010227002024



2024:GAU-AS:11872

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

Case No. : Bail Appln./3312/2024

SUHEL AHMED @ SUYEL AHMED
S/O ABDUL MOTIN,
RESIDENT OF HATIRBOND, PS BAZARICHERRA, DIST KARIMGANJ,
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MS. R CHOUDHURY, MS. B. HAZARIKA, MS F N ZAMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29.11.2024

Heard Ms. R. Choudhury, learned counsel for the petitioner, Suhel Ahmed @ Suyel Ahmed, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 10.07.2024 in connection with **Bazaricherra P.S. Case No.53/2024**

(corresponding to GR Case No. 487/2024) under Sections 366/376 of IPC.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegations against the petitioner is that on 07.03.2024 at about 11.30 a.m, the petitioner with the aid of another person gagged the victim and kidnapped her from near Longai river and took her to his house and committed rape on her.

4. Prior to this incident the petitioner used to stalk the victim on her way to the school. It is further alleged that the victim was severely assaulted by the petitioner's father and thereafter she was driven out of the petitioner's house. It is submitted on behalf of the petitioner that a false case has been brought up against him as there is a land dispute prevailing between both the parties.

5. I have scrutinized the Trial Court Record and the Case Diary. The learned Additional Public Prosecutor has raised serious objections stating that petitioner is not entitled to bail considering the brutality of the offence.

6. The learned counsel for the petitioner has submitted that the petitioner has to proceed to Bangalore for check up as he underwent operation for Posterior Stabilization of T₃-T₁₁ correction. A report was called from the Jail Doctor of District Jail, Karimganj, who has stated that the petitioner complains of slight discomfort around his upper back, the scar of the operation is visible, but at present he petitioner's condition is stable.

7. I have considered the submission that the petitioner will abide by any stringent bail conditions imposed upon him.

8. Considering all aspects and in view of my foregoing discussions, petition is

allowed. The petitioner is enlarged on bail of Rs. 50,000/- (Rupees fifty thousand) only, with one suitable surety of the like amount to the satisfaction of the learned Jurisdictional Court, under the conditions that:-

i) the petitioner shall appear before the Investigating Officer on every fortnight, till completion of investigation,

ii) the petitioner shall not exercise threats to the witnesses and try to influence the witnesses, and

iii) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of trial.

9. On breach of any of the bail conditions, the Jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioner.

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant