

GAHC010240612024



2024:GAU-AS:12552

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

Case No. : Bail Appln./3500/2024

INTAJUL HOQUE @ IMDADUL
S/O ANSER ALI
R/O VILL- BHELENGIMARI
P.S. BHANGNAMARI
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

10.12.2024

1. Heard Mr. B. Choudhury, learned counsel for the petitioner Intajul Hoque @Imdadul.
2. The petitioner has filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 23.09.2024 in connection with present Hajo P.S. Case No. 132/2024 corresponding to GR No. 209/2024 under Sections 365/376(D) of the IPC.

3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted that the petitioner is not the prime accused. He is the accused no. 3. It is further submitted that the petitioner was already arrested on 12.09.2024 in connection with Bhangnamari P.S. Case No. 06/2024 but was later shown arrested in connection with this case which is not plausible.

5. Learned Additional Public Prosecutor has raised objection stating that this bail petition cannot be considered without going through the Case Diary and the Case Diary is not received.

6. The FIR unfolds that on 16.04.2024, at about 7 p.m., the victim was missing and the informant had already apprised the Ramdia Police Station about the victim's disappearance. After two days i.e., on 18.04.2024, at about 8 a.m., the victim made a phone call from an unknown number, informing them that she was waiting near SBI, Adabari Tinali Branch and requested her to take her back as she was in trouble. The police was informed and the informant along with his friends immediately rushed to the place and found the victim and they also apprehended the accused Asaruddin and the other accused named in the FIR managed to escape. It is further alleged that the accused Asaruddin with the help of the other accused and the petitioner tried to sell the informant's sister i.e., the victim in Rajasthan.

7. As the Case Diary is not before this Court, I deem it appropriate to direct the petitioner to approach the learned Trial Court and apply for bail, which may

be considered by the Court in accordance with law and as per merits of the case.

JUDGE

Comparing Assistant