

GAHC010250272024



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

Case No. : Bail Appln./3603/2024

ABDUL MAZID MIAH @ HALIM
S/O LATE JAFOR RAHMAN,
RESIDENT OF CHALANTAPARA PART IV, PS JOGIGHOPA, DIST
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. S RANA, MR. S MUNIR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

05.12.2024

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. D. Das, learned Additional Public Prosecutor, Assam.

By this application filed under Section 483 of the BNSS, 2023 the petitioner, namely, Abdul Mazid Miah @ Halim, has prayed for release on bail, who was arrested in connection with Jogighopa P.S. Case No. 192/2024.

A married woman has alleged that on 15.10.2024, at about 6.30 PM, she had an altercation with her husband and out of anger, she left her matrimonial house. When she was

going to the house of her parents, she met the petitioner, who was driving a maruti car. He proposed her to drop in her parents. Accordingly, she was agreed and took seat inside the car. After that, they were roaming in and around different places of Bongaigaon town.

The woman has alleged that the petitioner by keeping a knife on her neck threatened to kill her child committed rape on her. Thereafter, the petitioner bought some new cloths for her in the market.

She has further alleged that two persons, namely, Abdul Kader and Goni had handed her over to the present petitioner.

Mr. Das has submitted that, in her statement recorded under Section 164 CrPC, although the victim girl has implicated the present petitioner, she had refused to undergo medical examination when Police wanted to do that.

It is submitted that the petitioner has already completed 20 (twenty) days in judicial custody.

I have considered the submissions made by the learned counsel of both sides. Therefore, at this stage, this court is of the opinion that the petitioner does not deserve to be detained in custody for further period of time. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioner Abdul Mazid Miah @ Halim, who was arrested in connection with Jogighopa P.S. Case No. 192/2024, shall be released on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the learned SDJM (M), Abhayapuri.

The bail application is disposed of.

JUDGE

Comparing Assistant