

GAHC010284902023



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

Case No. : Bail Appln./4590/2023

SADIQUE ALI
S/O SULEMAN ALI
R/O VILL- CHOUDHURI PAM
KALATOLI BAZAR
P.S. CHAYGAON
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
RE. BY THE PP, ASSAM

2:THE CID
ASSAM
REP. BY THE STANDING COUNSEL
CID
ASSA

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

09.01.2024

Heard Mr. M.I. Hussain, learned counsel for the accused and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Sadique Ali**, who has been languishing in jail hazot in connection with the **Cyber P.S. CID Case No. 04/2023**, under Sections 376/ 294/ 419/ 379/ 201/ 427/ 506 of the IPC, read with Sections 66[D]/67[A] of the IT Act, for granting bail.

3. The said case has been registered on the basis of an FIR lodged by Smti 'X' [name withheld], on 06.10.2023. The essence of allegations made in the FIR is that the accused introduced himself to the informant as one Rahul Sharma and make friendship with her and thereafter, committed sexual intercourse with her, against her will, at Jorhat and also at Guwahati and he also captured some sexually explicit photographs of her and thereafter, make the same viral in the Social Media.

4. Mr. Hussain, learned counsel for the accused submits that the accused was arrested on 02.11.2023, and since then he has been languishing in jail hazot for last 69 days and that his further custodial detention may not be required, in the interest of investigation, and therefore, it is contended to allow this petition.

5. On the other hand Mr. Lahkar, learned Additional Public Prosecutor by producing the case diary submits that the IO has collected sufficient incriminating materials against the accused and the allegation is serious in nature and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

- 7.** Perusal of the case diary reveals that the IO has collected sufficient incriminating materials in support of the allegation made in the FIR. The offences are serious in nature and investigation is still going on and enlarging the accused on bail at this stage will misdirect the investigation.
- 8.** In view of above, this Court is of the view that this is not a fit case where the privilege of bail can be extended to the accused.
- 9.** Accordingly, the petition stands dismissed, at this stage.
- 10.** The case diary be returned.

JUDGE

Comparing Assistant