

GAHC010263312023



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

Case : Bail Appln./4571/2023

SHARIF UDDIN AND 3 ORS
S/O ABDUL NUR
R/OVILL- NAHARGAON
P.O. AND P.S. DOBOKA
DIST. HOJAI
ASSAM

2: SOFIQUL ISLAM
S/O AFTABUDDIN
R/O VIL- NAHARGAON
P.O. AND P.S. DOBOKA
DIST. HOJAI
ASSAM

3: FAKAR UDDIN @ FAKHARUDDIN
S/O GIYASUDDIN
R/O VILL- NAHARGAON
P.O. AND P.S. DOBOKA
DIST. HOJAI
ASSAM

4: HIFJUR RAHMAN
S/O ABDUL JALIL
R/O VILL- NAHARGAON
P.O. AND P.S. DOBOKA
DIST. HOJAI
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. I H BARBHUIYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 04.01.2024

Heard Mr. I. H. Barbhuiya, learned counsel for the petitioners and Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely (1) **Sharif Uddin**, (2) **Sofiqul Islam**, (3) **Fakar Uddin @ Fakharuddin** and (4) **Hifjur Rahman**, seeking bail, who were arrested on 15.10.2023 in connection with Doboka P.S. Case No. 209/2023 (Corresponding to G.R. Case No. 1821/2023) under Sections 120(b)/342/ 376(2)(g)/ 506 IPC.

It is submitted by the learned counsel for the petitioners that the petitioners were arrested on 15.10.2023 and since then they have been languishing in jail hajat by completing 82 days. Considering the period of detention, they may be enlarged on bail.

The learned Addl. PP has produced the case diary and opposed the prayer of bail by stating that 164 statement of the victim girl and the medical report is not available in the case diary. It is also submitted that the charge sheet has not yet been submitted by the police.

I have perused the case diary.

Considering the period of detention, prayer for bail is allowed.

Accordingly, it is directed that the accused/ petitioners above named, be released on bail in connection with Doboka P.S. Case No. 209/2023 (Corresponding to G.R. Case No. 1821/2023) under Sections 120(b)/342/ 376(2) (g)/ 506 IPC on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) each with 2 (two) suitable sureties each of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sankardev Nagar, Hojai.

The direction for bail is further subject to the conditions that the accused-petitioners:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Sankardev Nagar, Hojai, without prior written permission from him/ her;
- (b) shall not hamper the investigation and tamper with the evidence of the case; and
- (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/ her 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