

GAHC010287322023



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

Case No. : Bail Appln./4592/2023

SHAHIN AHMED
S/O MAHMAD ALI
VILL- LAFASIL
P.O. LAKSHMI BAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N H LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 07.02.2024

Heard Mr. HRA Choudhury, learned Senior counsel, assisted by Mr. NH Laskar, learned counsel for the petitioner and Mr. KK Das, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner Shahin Ahmed, praying for regular bail, who was arrested on 29.08.2023 in connection with Karimganj P.S. Case No. 514/2023 (Corresponding to Sessions Case No. 196/2023) under Sections 342/366/376 IPC, pending in the Court of the learned District & Sessions Judge, Karimganj.

Scanned copy of the LCR, as called for is received and perused.

Heard both sides.

It is submitted by the learned senior counsel for the petitioner that the accused is behind the bar since 29.08.2023 in connection with the aforementioned case and the case has already charge sheeted and the charge was framed on 12.01.2024. It is further submitted by the learned senior counsel for the petitioner that the accused had love affairs with the victim and he was supposed to marry her but, due to some inconvenience on his part, he could not marry her, for which she lodged the FIR. The learned senior counsel for the petitioner further submitted that the petitioner is a local resident and he will appear before the learned trial court as and when required. As the case has already been charge sheeted, there is no question of hampering investigation or tempering of the evidence of the case. The petitioner may be enlarged on bail.

In this Context, the learned Additional Public Prosecutor has submitted that there are incriminating materials against the petitioner. He further submitted that from the statement of the victim recorded under Section 161 and 164 CrPC, it reveals that there are materials against the petitioner and the case has already been charge sheeted and charge was framed. However, considering the period of detention of the petitioner, prayer for bail may be considered.

In view of the above submissions and considering the period of detention,

prayer for bail is allowed. Accordingly it is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned District and Sessions Judge, Karimganj in connection with the aforementioned case.

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

- (a) shall not leave the territorial jurisdiction of the learned District & Sessions Judge, Karimganj, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case 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 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