

GAHC010291042023



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

Case No. : Bail Appln./4687/2023

ABDUL MAZID @ SADDAM
S/O SRI MACHADDAR ALI,
VILL.- PURBA USHNABAJ, P.S.- BADARPUR, DIST.- KARIMGANJ, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. J M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

24.01.2024

Heard Mr. JMA Choudhury, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam for the State.

This is an application under Section 439 of the Code of Criminal Procedure,

1973 praying grant of regular bail to the accused petitioner namely Sri Abdul Mazid @ Saddam in connection with Badarpur P.S Case No. 66/2013 registered under Section 120B/364(A)/34 IPC arrested on 12.07.2023.

The prosecution case is that on 24.03.2013, the informant's daughter aged about 4 years was forcefully taken by the accused person and later on, she was recovered from a nearby jungle.

Mr. JMA Choudhury, learned counsel for the petitioner submits that the petitioner is in custody since 180 days. He further submits that the petitioner has HIV positive and is required to continue his treatment. He further submits that the petitioner is ready to cooperate with the trial.

Mr. K.K. Parashar, learned Addl. P.P submits on the basis of the Case Diary received that the statement of the father of the victim girl has already been recorded and the statement of the accused person has also been recorded. The investigation is completed and Charge-sheet had been submitted and trial is yet to be commenced. The matter is fixed for appearance of the accused person.

Considering the nature of allegation, materials available on record, length of detention vis-a-vis Article 21 of the Constitution of India and that trial is yet to be commenced, this Court finds no justification in keeping the petitioner behind the bar during the period of trial, if otherwise he cooperates in his trial.

For the aforesaid reasons, the petitioner namely Sri Abdul Mazid @ Saddam is allowed to go on bail of Rs. 30,000/- with one surety of like amount

to the satisfaction of District & Sessions Judge, Karimganj subject to the following conditions:-

- (i) That the petitioner shall regularly appear before the learned Trial Court on all dates to be fixed from time to time till the case is disposed of.
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer;
- (iii) That the accused/petitioner shall refrain from committing any offences similar to the one of which he is accused.
- (iv) Learned Trial Court may impose any additional condition of bail if it deems fit to do so, at any time, while the petitioner is enlarged on bail.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant