GAHC010159302020

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

Case No. : AB/3211/2020

QISMAT KHAN @ KISMAT KHAN
S/O ZAFAR KHAN, R/O VILL, P.O. AND P.S.-PATHARKANDI, DIST-KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N ALAM R K

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

22-12-2020

This is an application under **Section 438 Cr.P.C**., praying for pre-arrest bail by the petitioner, namely, **Qismat Khan @ Kismat Khan,** in connection with **Patharkandi Police Station Case No. 562 of 2020**, registered **under Sections 447/457/354/294/34 of the IPC**.

Heard Mr. A. Rahman, learned counsel appearing for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

The case diary produced, has been perused including the statement of the victim.

On perusal of the materials in the case diary, it appears that there is a dispute between the parties in respect of some money. It is alleged that the petitioner had attempted to disrobe and outrage the modesty of Rukia Begum and her mother.

Considering the nature of offences alleged in the FIR, this Court is of the view that custodial

interrogation of the petitioner is not essential for the purpose of investigation of this case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, above named, in connection with the case aforementioned, he shall be released on furnishing bail bond of **Rs.10,000/-**, with **a suitable surety** of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(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.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant