GAHC010164892020

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

Case No. : Bail Appln./2543/2020

MD. FIROJ ALI
S/O LATE IDDAT ALI, R/O SATGAON AMBARI, P.S.-SATGAON, DIST-KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25-11-2020

Heard Mr. H. Ali, learned counsel for the accused-petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 (CrPC), the accused-petitioner viz. Md. Firoj Ali has prayed for his release on bail as he is in custody in connection with Satgaon Police Station Case No. 132/2020, registered under Sections 498A/307, Indian Penal Code (IPC).

3. In the First Information Report (FIR) lodged on 04.09.2020, the informant has stated that her marriage was solemnized with the accused-petitioner about 13 years ago. After marriage, the accused-petitioner had gone on inflicting cruelty upon her in all these years at the instigation of the other accused persons named in the FIR. It has been specifically alleged that on 04.09.2020, the accused-petitioner had physically beaten the informant and her son. On the other hand, it has been projected on behalf of the accused-petitioner that the informant had deserted him by leaving the matrimonial house about 8 (eight) months before.

4. Upon consideration of the nature of allegations made by the informant against the accused-petitioner, her husband for about 13 years, who is in custody since 06.09.2020 and considering the length of detention of the accused-petitioner which is 81 days, since 06.09.2020, this Court is of the considered view that his further detention in custody is not necessary for the purpose of carrying out further investigation of the case and if the accused-petitioner is released on bail at this stage of investigation, the further investigation of the case is not likely to be prejudicially affected, provided he continues to extend his cooperation in the further investigation of the case.

5. Accordingly, the accused-petitioner is allowed to be enlarged on bail on furnishing a bail bond of Rs. 20,000/- with one suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, subject to the following conditions :-

[1] the accused-petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer (I.O.) of the case;

[2] the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[3] the accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

[4] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he

is suspected; and

[5] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case;

6. This application stands disposed of in the afore-mentioned terms.

JUDGE

Comparing Assistant