

GAHC010017532024



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

Case No. : Bail Appln./271/2024

NAZIM ALI @ NAJIM ALI
S/O- MD. JAMIRUL ALI, VILLAGE- HENGRABARI BARBARI- BORTILA, P.S.
DISPUR, DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY P.P, ASSAM

2:ANINDITA ROY
ALOK PATH
BY LANE NO.4
NEAR DEVOGRAM BOYS HOME/P.G JAYANAGAR
GUWAHATI
PIN- 781022
M.NO. 967895518

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.02.2024

Heard Mr. K. Bhuyan, learned counsel for the accused and also heard Ms. N. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1 and

Mr. R.K. Talukdar, learned counsel for the respondent No.2.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Nazim Ali @ Najim Ali, who has been languishing in jail hazot since 17.01.2024, in connection with Basistha P.S. Case No.44/2024, under Section 354(A)(i)/354(B)/34 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Smt. X (name withheld), on 17.01.2024. The essence of allegation made in the aforesaid FIR is that on 17.01.2024, at about 5/5:30 p.m. she went to the tailoring house to take back her cloths. Then one tailor subjected her to sexual harassment, and while she raised alarm, then the head tailor asked the tailor to run away.

4. Mr. Bhuyan, learned counsel for the accused, submits that the accused was arrested on 17.01.2024, and since then he has been languishing in jail hazot for last 17 days and that he is no way involved with the offence alleged in the FIR and the allegation is against the tailor and the present accused is the owner of the said tailoring house and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Talukdar, learned counsel for the informant submits that the informant has filed an affidavit here in this case stating that she has no objection in the event of enlarging the accused on bail.

6. Whereas, Ms. N. Das, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that material part of the investigation is almost over.

7. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Das, learned Additional P.P.

8. It appears that the accused has been languishing in jail hazot since 17.01.2024 and the case diary indicates that material part of investigation is almost over and further, it

appears that the main culprit has already been arrested and the present accused is the owner of the tailoring house.

9. In view of above and also in view of the role played by the accused as well as the period of detention and balancing the same with the nature and gravity of the offence, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused, namely, Nazim Ali @ Najim Ali, be enlarged on bail. Case diary be returned.

10. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant