

AB 2009/2014

BEFORE

HON'BLE MR JUSTICE M.R.PATHAK

Heard Mr.S.Borthakur, learned counsel for the petitioner. Also heard Mr.NJ Dutta, learned Addl. P.P, Assam for the State.

The petitioner, namely, Md. Javed Ali has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending arrest in connection with Patancharkuchi P.S.Case No. 203/2014 u/s 366 (A) I.P.C.

Perused the case diary and the evidences so far collected by the I.O. Also perused the 164 Cr.P.C. statement of the victim girl recorded on 19.04.2014.

The victim girl is a minor aged about 16 years old.

After going through the case diary and the 164 Cr.P.C. statement of the victim girl, it is found that the present petitioner helped the main accused Md.Naib Ali to take away the victim girl and further, accompanied the main accused and the victim girl up to Sarupeta Rail station. The Investigating Officer has already recorded 161 Cr.P.C. statement of the present petitioner. Moreover, the victim girl has also been recovered.

Considering the entire aspect of the matter, this Court is of the opinion that custodial interrogation of the petitioner is not warranted for investigation of the case. Accordingly, his prayer for bail is accepted.

The petitioner is already on interim bail granted earlier by this Court on 23.05.2014 and the same is hereby made absolute on the same terms and condition.

However, it is made clear that the petitioner shall not leave the territorial jurisdiction of the Officer-in-Charge, Patancharkuchi Police Station without his prior written permission, he shall appear before the investigating Officer as and when required for investigation and cooperate with the investigating officer of Patancharkuchi P.S.Case No. 203/2014, shall not threaten/ intimidate the informant and/or witness of the case and shall not hamper or tamper the evidence of the case.

Any violation of the aforesaid terms and condition by the petitioner, Md. Javed Ali, bail granted to him in Patancharkuchi P.S.Case No. 203/2014 shall stand automatically vacated.

In terms of the aforesaid direction, this bail petition is disposed of.

Return the case diary.