

02.02.2021:

The bail petition no. 129/2021 filed u/s 439 CrPC on behalf of the accused Md. Zakir Hussain in connection with Biswanath Chariali PS Case No. 03/2021 u/s 366 IPC is taken up as the case diary as called for is received.

Heard learned counsel for both the sides.

It has been submitted by the learned counsel for the petitioner that the accused is innocent and the victim has not stated anything against him.

Perused the case diary.

The accused has been under detention since 08.01.2021.

The informant in her 'ejahar' dated 03.01.2021 stated that on 13.12.2020 at about 8am her 21-year-old married daughter went missing from her way to Biswanath Chariali town. On 30.12.2020 she received information over phone from Delhi police that the victim was recovered in Delhi. She suspected that unknown miscreants had kidnapped her to Delhi.

The victim in her statement u/s 164 CrPC has not implicated the present accused in any way. Instead she clearly stated that he is not connected with the case.

Considering the same and the length of the detention of the accused, I find that further custodial detention of the accused is not required. The petition is therefore allowed.

The accused is allowed to go on bail of Rs.10,000/- (Rupees Ten thousand) with one surety of the like amount to the satisfaction of the learned Elaka Magistrate on the conditions that i) he shall make himself available before the Investigating Officer as and when required to help him in the investigation of the case ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so to dissuade him/her from disclosing such facts to the Investigating Officer or tamper with the evidence.

Return the case diary. The Misc. Case is disposed of accordingly.

Inform all concerned.

