

18.02.2021:

The bail petition no. 206/2021 filed u/s 438 CrPC by the petitioner, namely, Md. Sahidul Islam 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 petitioner is innocent but he fears arrest in this case.

Perused the case diary.

The informant in his 'ejahar' dated 03.01.2021 stated that on 13.12.2020 at about 8 am his 21-year-old married daughter went out to Biswanath Chariali town and since then she has remained traceless. On 30.12.2020 he received a phone call from a hotel owner in Delhi informing him that his daughter has been recovered from his hotel and has been kept in a Ashram by Delhi police. He suspected that some unknown miscreants had kidnapped his daughter and taken her to Delhi.

The victim in her statement u/s 164 CrPC has not implicated the accused. She stated that she accompanied him to Delhi on her own wish.

Considering her statement, the offence charged and the materials so far collected against him, I find that this is a fit case wherein the benefit of pre-arrest bail can be extended to the petitioner. Hence, the petition is allowed.

Accordingly, the O/C of Biswanath Chariali P.S. is directed to release the petitioner in the event of his arrest in connection with the instant case, after obtaining a bail bond of Rs.10,000/- with one surety of the like amount on the conditions that- (1) the petitioner shall appear before the O.C. of the concerned P.S. within two days, (2) the petitioner shall make himself available for interrogation by the Investigation Officer of the instant case as and when required, (3) he shall not hamper with the investigation, or temper with the evidence of the case, (4) he 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/her from disclosing such facts to the Court or to the Investigating Officer.

Inform the O/C of the concerned P.S.

Send back the case diary.

The Misc. Case is disposed of, accordingly.