

Misc. CrI. (bail) Case No. 224 of 21

02-08-2021

Seen the petition filed U/s.439 of Cr.P.C. seeking bail for accused Md. Ajij Ansari who was arrested in connection with Tezpur PS case No.1429/21 (corresponding to GR case No.2346/21) U/s.376/392/ 323/ 294/ 34 of IPC r/w Sec.67 of IT Act.

Case diary, as called for, has been received and perused the same. Also heard Id. Counsel for both the sides. Record reveals that the accused has been in jail since 15-7-21.

Brief fact of the case as per the FIR is that the alleged victim girl who is the informant of this case had love affair with the afore-stated accused for about five years and they established physical relationship between them on a promise of marriage being made by the accused. Later, the accused started another love affair with another girl which came to be known to the informant/victim. Then she also started an affair with another boy whereupon the present accused had threatened her that he would bring slur on her reputation. On 24-6-21 at about 10 a.m. the accused restrained her on the way and took away her mobile saying that it would be returned in the evening but when the informant wanted to receive back her mobile in the evening the accused assaulted her and had driven her away. The accused also allegedly in connivance with another accused namely Sumit had viraled some naked videos and photos of the informant. Hence the FIR was lodged.

Ld. Counsel appearing for the accused has submitted that the accused has been absolutely falsely implicated in this case and the allegation brought against him is absolutely unfounded. It is further submitted that it is accused Sumit who might have done some illegal act with the informant but this present accused has no nexus in such act and as such he deserves to be granted bail.

On the other hand, Id. Counsel appearing for the State has vehemently objected to the grant of bail in this case stating that there are serious incriminating materials in the case diary and therefore grant of bail at this stage would affect the investigation of the case.

I have carefully considered the submissions made by the Id. Counsel for both the sides and perused the materials available in the case diary. I have also gone through the statement of the alleged victim girl

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& CD & GR case  
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recorded U/s.164 of the Cr.P.C. It appears from her statement that the alleged victim girl had love affair with the present accused for about five years but ultimately their relationship was snapped because the accused started dating another girl. Then the alleged victim girl also developed an affair with a boy namely Sumit from Dibrugarh. They used to talk over mobile and one day said accused Sumit asked her to get stripped and to start video call with him and the alleged victim girl did accordingly. Later the present accused namely Ajij Ansari one day snatched away her mobile but returned the same after one week. It is also stated that one of her friends later told her that obscene video of her's could be seen by him which was later deleted.

From perusal of the materials available on record it further appears that the investigating officer has not been able to collect any evidence to show that any obscene video pertaining to the alleged victim girl was ever recorded by accused Ajij Ansari nor any such mobile containing any obscene video belonging to the present accused could be recovered by the investigating officer during investigation. Moreover, the alleged victim girl herself stated in her statement that her obscene video was recorded by a boy namely Sumit from Dibrugarh and hence the case diary further reveals that the investigating officer is heading his investigation towards recovery of mobile belonging to accused Sumit and also towards apprehension of accused Sumit.

Thus, from the total perusal of the materials available in the case diary I do not see any justification for further detention of the present accused who does not appear to have been involved in any offence as alleged in the FIR except that he had love affair with the informant and he one day snatched away her mobile and physically assaulted her. Therefore, considering the overall materials available in the case diary and also the statement of the alleged victim girl recorded U/s.164 of the Cr.P.C. together with the position of investigation, I am of the view that the present accused namely Ajij Ansari deserves to be granted bail in this case. I am further of the view that his release at this stage would not at all affect the investigation of this case which is to be carried out further.

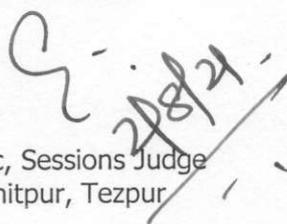
Consequently, the prayer for bail for accused Ajij Ansari stands allowed. It is directed that the accused shall be released on bail of

Rs.10,000/- (Rupees ten thousand) only with one surety of like amount to the satisfaction of the Ld. Elaka Magistrate on the following conditions :

- (1) That he shall duly cooperate with the investigating officer.
- (2) That he shall furnish any objectionable material which the investigating officer might suspect to have been in his possession.
- (3) That he shall not in any way intimidate any of the witness of this case nor shall he otherwise temper the evidence of this case.

Let the case diary be sent back.

Misc. case stands accordingly disposed of.

  
I/c, Sessions Judge  
Sonitpur, Tezpur