

**Misc.(Crl) Case No. 02/2022****ORDER****07-01-2022**

This is an application u/s 439 Cr.P.C. seeking bail for accused Sagir Hussain who has been in judicial custody since 17-11-2021 in connection with Tezpur P.S. Case No. 2554/2021 u/s 366(A) IPC.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary received today.

Learned counsel appearing for the state Sri Munin Baruah objected the bail petition contending inter alia that this is a serious case of kidnapping where accused kidnapped the minor girl aged about 15 years. So, the accused do not deserve to be released on bail.

On the other hand, learned counsel appearing for the accused submitted that victim girl and accused had lover affairs for long and the victim girl voluntarily eloped with the accused. So, the learned counsel prays for bail.

Having heard the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary, it appears that during investigation police seized birth certificate of victim girl and according to the birth certificate victim girl is aged about 14 years 7 months. Since, she is minor her consent is not considered to be a voluntary consent under the provision of law.

Case diary also reveals that accused took the minor girl and moved her from one place to another without the consent of her lawful guardian.

Therefore, given the nature of the offence, this court is not inclined to grant bail to accused Sagir Hussain.

In the result, bail petition stands rejected.

Let the case diary be returned in seal cover.

Accordingly, Misc(Crl.) case disposed of.

Sessions Judge  
Sonitpur, Tezpur.