

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 524/2022

Jahar Ali @ Jahur Ali

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>20-10-22</u>	<p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Jahar Ali @ Jahur Ali seeking pre-arrest bail in connection with Tezpur PS Case No. 1012/2022 u/s 366 IPC, corresponding to G.R. Case No. 1960/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary.</p> <p>The allegation in the FIR is that on 19-09-2022 at about 10.30 AM when there was no one in the house FIR named accused forcefully kidnapped the minor daughter (aged 17 years) of informant when she was taking bath. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is a serious case of kidnapping of a minor girl by the accused person. So, accused person do not deserve the benefit of pre-arrest bail.</p> <p>On the other hand, learned counsel Sri B. Borthakur appearing for the accused petitioner contends that the alleged victim girl is a major girl and she voluntarily went with the accused out of their love affair since long. So, there is no ingredient of offence of Section 366 IPC.</p> <p>Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary including the statement of victim girl, it transpires that the alleged victim girl admittedly a major girl aged about 19 years and the victim had love affairs with accused since one year and on 19-09-2022 alleged victim girl voluntarily went with the accused.</p>	

Since alleged victim girl admittedly went with the accused voluntarily, the prayer of pre-arrest bail is allowed. Therefore, in the event of arrest, the I.O. is directed to release accused petitioner Jahar Ali @ Jahur Ali on pre-arrest bail in execution of a bond of ₹20,000/- (Rupees Twenty Thousand) only with one local surety of like amount to the satisfaction of I.O. on condition that the accused petitioner shall fully co-operate with the I.O. in the course of investigation and shall not make any attempt direct or indirect to threaten the informant, victim or other witnesses during the course of investigation.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.