

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 614/2022

Arsad Ali

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>15-12-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Arsad Ali seeking bail for accused Jahur Ali who is in jail in connection with Tezpur PS Case No. 1183/2022 u/s 366 IPC, corresponding to G.R. Case No. 2220/2022.</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 10-11-2022 at around 12 PM the daughter of informant victim "X" (real name withheld) was kidnapped by the accused Jahur Ali and he was totally unaware about the same. On being search, informant could not trace out his daughter. It is also alleged that the accused is a Mohammedan by region and the victim is a Hindu Girl. Hence, the case.</p> <p>It is submitted by learned counsel for State that there is sufficient, credible evidence to show that accused had kidnapped the victim girl from the custody of her legal guardian and there are sufficient materials emerged in the case diary against accused for commission of offence u/s 366 IPC and therefore, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel Sri Babul Borthakur appearing for the accused contends that the alleged victim girl had love affair with accused since long and prior to this, alleged victim girl voluntarily eloped with the accused and then also the father of informant lodged an FIR which was registered as Tezpur PS Case No. 1012/2022 and the accused was granted pre-arrest bail by this court vide order dated 20-10-2022 in Misc. CrI. (Bail)</p>	

Case No. 524/2022. Now, in the present case also, the victim and informant are same and within a gap of months there cannot be two versions of the same persons in respect of the same alleged offences. It is contended that the present case has been filed only to harass the accused person. Hence, learned counsel for accused prays for bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary along with the statement of victim girl recorded by Magistrate u/s 164 Cr.P.C., it appears that the girl was introduced with the accused while he was working as contractor in the multistory building of her landlady and accordingly, he developed intimacy with her, proposed to marry her stating his name as Joy Sarkar a Hindu boy. Thereafter, she introduced him with her parents who want to see his house but accused did not allow them to visit his house stating that his mother and sister were working as teacher so they do not have time to meet them. Thereafter, he intentionally misrepresented them and shown the house of another person to be his house. When they visited the same house, the owner said that accused is a Hindu Boy. However, later on coming to his credential they gave up the idea of marry with him. Subsequently, when the victim went to tailor shop, accused along with two other persons came in a vehicle and kidnapped her by force, took her to Guwahati, kept her confined there.

It is seen that contrary to the earlier case, the victim girl has divulge some revealing facts of playing fraud and cheating on the girl as the accused stated to be belong to another religion and represented before her to be Hindu religion and also suppressed his previous marriage. Apart from this, accused also alleged to have committed kidnapping with force against her will. Therefore, the allegation prima facie appears to be serious nature.

Moreover, it appears that the accused was arrested by police on 17-11-2022 and the I.O. has submitted charge-sheet on

		<p>15-12-2022 within the statutory period. As per Section 167(2) Cr.P.C. accused is not entitled to bail as a matter of right.</p> <p>Therefore, considering all the attending factors, the prayer for bail of accused Jahur Ali stands rejected.</p> <p>Send back the case diary in seal cover.</p> <p>Accordingly, bail petition is disposed of.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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