

Misc.(Bail) Case No. 195 of 2021.

Present. Smti. T. Hussain

Addl. Sessions Judge (FTC), Biswanath Chariali

10-01-2022.

The Petition filed by the petitioner Ratul Das, u/s- 438 Cr.P.C, seeking pre-arrest bail in connection with Gohpur P.S Case No. 310/21, u/s- 120 (B)/366/34 IPC is taken up today for further hearing as the called for case diary is received.

Heard the learned counsel appearing for the accused/petitioners as well as learned Addl. P.P. and carefully perused the materials available in the case diary.

The Facts leading to filing of the instant bail petition u/s- 438 of Cr.P.C in brief are on 14-10-2021 the informant lodged an ejahar alleging that in the previous day at about 3.30 PM, when his fifteen year old niece was returning home along with her one friend, on the way at Charaibari, the eight accused persons namely Apel Pegu, Majifur Kaman, Mridul Patiri, Lite Pegu, Nabajyoti Pegu, Nandalal Doley, Anil Doley and Bipin Kutum led by accused Apel Pegu surrounded them and forcibly picked them up into the vehicle bearing registration No. AS07/AC9326 and thereby kidnapped them. On raising alarm by her friend, the accused persons pushed her back causing injuries to her. The occurrence was witnessed by two persons, one of whom is paternal uncle of the victim girl, and followed the vehicle and rescued the victim from the house of accused Apel Pegu.

Accordingly, Gohpur P.S Case No. 310/21, u/s- 120 (B)/366/34 IPC has been registered.

Now apprehending arrest in connection with the aforesaid Gohpur P.S Case No. 310/21, u/s- 120 (B)/366/34 IPC, the petitioner has approached this court seeking pre-arrest bail u/s- 438 of Cr.P.C.

It is submitted by the Ld. Counsel for the petitioner that the petitioner is innocent and that he is merely the owner and the driver of the vehicle no. AS07/AC-9326 which is a passenger vehicle ply as public transport. The said vehicle has been seized in connection with this case from the possession of the petitioner. The petitioner is not named in the FIR as accused.

Considering the materials so far collected by the IO, it appears that that custodial interrogation of the petitioner is not necessary for the purpose of the investigation.

Accordingly in the event of arrest the petitioner, Ratul Das, the I.O is directed to release him on bail of Rs.10,000/- with a suitable surety of like amount.

Send back the case diary.