

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Misc. Criminal (Bail) No. 535/2022

Md. Abdul Kadir

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>03-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Md. Abdul Kadir seeking bail for accused Md. Hussain Ali who was arrested by police in connection with Dhekiajuli PS Case No. 299/2022 u/s 366 IPC corresponding to G.R. Case No. 2082/2022.</p> <p>The allegation in the FIR is that on 01-10-2022 at about 10 AM the sister of informant Miss "X" (real name withheld) got missing and on being enquired, he came to know that the FIR named accused kidnapped his minor sister. Hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the contents of the case diary.</p> <p>Learned counsel for State submitted that it is a serious case of kidnapping of a minor girl from her house forcefully. Therefore, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel I. Haque appearing for accused person contended that the girl voluntarily went with the accused but he has been arrested by police on wrong perception. Moreover, accused has been languishing in jail since 03-10-2022 for more than a month. It is also submitted that accused is a local person having his movable and immovable property within the jurisdiction of this court, so, there is no chance of his absconding. So, learned counsel for accused prays for bail.</p> <p>Having considered the contention of the learned counsels appearing for both sides and on careful perusal of the entire case diary including the statement of victim girl before Police u/s 161 Cr.P.C., it transpires that accused had allegedly kidnapped the victim girl under the pretext of outing without the consent of the lawful guardian and eventually took her to Dimapur and kept her confined there. Moreover, victim girl was 16 years old at the time</p>	

		<p>of alleged incident of kidnapping as it transpires from the case diary.</p> <p>Therefore, considering the nature and gravity of the offence, the prayer for bail of accused stands rejected.</p> <p>Send back the case diary in seal cover.</p> <p>Accordingly, the case is disposed of.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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