

Crl. Misc. case No. 880/19

14.11.2019 Bail petitioner for accused persons Motibur Rahman and Musharaf Ali represented.

L.C.R received.

Learned Addl. P.P. Mr. N. A. Choudhury notified and appeared.

Heard both sides on bail petition filed U/S 439 of Cr.PC praying for grant of bail to accused **Motibur Rahman** and **Musharaf Ali**, who is detained in custody in connection with Mikirbheta P.S. Case No. 445/19 (GR No. 3645/19), U/S 366/368 IPC.

Petition is supported by an affidavit filed by Yasin Ali, swearing that no bail petition is pending or rejected in any other learned Court including the Hon'ble Gauhati High Court.

Prosecution case, in concise, is that informant Sri. Sumitra Devi lodged a written ejahar stating inter-alia, that on 6.11.2019 at about 11.00 a.m. accused person Motibur Rahman kidnapped victim from public road. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent and pressed for interim bail. On the contrary, learned Addl. P.P. Mr. N.A. Choudhury did not object.

Perused victim's statement u/s 164 Cr.P.C. Victim is totally silent about accused person Musharaf Ali.

It appears that this case is a fit one, in view of peculiar position to grant interim bail until next date. Both the accused persons hail from jurisdiction of this court.

Accused persons **Motibur Rahman** and **Musharaf Ali** each are allowed to go on interim bail of Rs. 20,000/- (Twenty thousand) with a fit surety of like amount to the satisfaction of learned Elaka Magistrate, Morigaon on condition that –

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14.11.2019

i) they will be present in Court personally on date fixed and shall co-operate in investigation.

Call for CD again.

Inform all concerned.

Fixed **29.11.2019** for CD and personal appearance of accused person.

Asstt. Sessions Judge, Morigaon