

**Misc. CrI. 275/2021**

04.05.2021

This is an application u/s 439 of the Cr.P.C. filed by petitioner Manik Uddin Sheikh with a prayer to grant bail to accused Hasem Ali who has been detained in connection with Matia P.S. Case No.98/2021 corresponding to G.R. Case No.952/2021 u/s 366(A)/368 of the IPC.

The case diary is received and I have perused the same. I have also heard the learned counsels of both the sides in the virtual court through video conferencing.

The brief facts of the prosecution case is that on 02.05.2021, at about 8-00pm, accused Hussain Ali had kidnapped Miss Surmila Begum, aged about 14 years, niece of the informant, with intent to perform her marriage with the above named accused.

The learned counsel for the petitioner submitted that the accused is innocent person and he is not involved in the alleged offence. It is further submitted that the accused being a local man there is no chance of absconding.

From the statement of the victim girl recorded u/s 164 of the Cr.P.C, available in the case diary, it appears that the victim girl had love affairs with the above named accused and as her mother refused to arrange her marriage with the accused, she, on the date of occurrence, called the accused over phone and eloped with him on her own will. The case

has been registered u/s 366(A)/368 of the IPC but materials in the case diary are scanty under these sections of law. The case diary is silent since 05.05.2021. The accused has been languishing in jail hazot since 05.05.2021 in connection with this case.

Considering all the facts and circumstances including the fact that the learned Public Prosecutor did not raise any objections and also considering the present situation of Covid-19 pandemic as well as the length of detention, I allow the above named accused person to go on bail of Rs.20,000/- (Rupees twenty thousand) only with a surety of like amount to the satisfaction of the learned Elaka Magistrate concerned.

Send back the CD with a copy of this order.

A copy of this order shall be furnished to the petitioner or his learned counsel forthwith by the Bench Asstt./Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. Case is thus disposed of.

Sessions Judge  
**Goalpara**