

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE (F.T.C.),
LAKHIMPUR, NORTH LAKHIMPUR.**

Crl. Misc. Case No.59/2022.

Md Akkas Ali

.....Accused.

Vs

State of Assam

.....Opposite party.

Present: Syed Burhanur Rahman, A.J.S.,
Addl. Sessions Judge (F.T.C.),
Lakhimpur, North Lakhimpur.

Advocate for the Accused: Mr I.H. Choudary.
Advocate for the State: Mr M.P. Hazarika.

Date of Hearing: 22/03/2022.
Date of Order: 22/03/2022.

ORDER

- 1) Learned A.P.P. is present today.
- 2) Learned counsel on behalf of the accused Md Akkas Ali is also present.
- 3) This application is filed under Section 439 of Cr.P.C. for granting bail to the accused in connection with North Lakhimpur P.S. Case No.767/2016 corresponding to G.R. Case No.1889/2016, under Sections 366/366(A)/34 of I.P.C.
- 4) As per the allegation made in the F.I.R. filed by one Musstt Tohura Khatoon is that on 22/07/2016, two F.I.R. named accused namely, Musstt Ajufa Khatoon and Musstt Rahima Begum had kidnapped two girls namely, Miss Minara Begum

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(daughter of the informant) and Miss Muharjan Begum (daughter of the present accused Md Akkas Ali).

- 5) Learned counsel on behalf of the accused Md Akkas Ali has submitted that after 6 years of filing of the F.I.R. suddenly police had arrested the present accused on 10/02/2022. Moreover, the daughter of the present accused was actually kidnapped, therefore he is nowhere connected in the alleged offence as stated in the F.I.R.
- 6) Today, the matter is fixed for C.D., but this Court has not received any case diary till second half of the day. Besides that 2 other dates i.e., 15/03/2022 and 10/03/2022 were fixed for case diary. Therefore, on 3 consecutive dates the authority has failed to produced the case diary before this Court.
- 7) As the accused Md Akkas Ali is languishing in jail since 10/02/2022 and also the fact that his own daughter was allegedly kidnapped in the year 2016, this Court is of the considered opinion that the benefit of bail under Section 439 of Cr.P.C. may be granted to the present accused.
- 8) Accordingly, the petition is **allowed** and the accused namely, Md Akkas Ali is allowed to go on bail of Rs.20,000/- (rupees twenty thousand) only with one surety of the like amount to the satisfaction of the concerned Court. However, the following bail conditions are imposed:

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i) the accused will not abscond and will regularly appear before the trial Court.

ii) the accused will not temper with evidence, will not intimidate and/or influence witnesses/victim.

iii) the accused is to furnish photocopy of Voter Card/ Aadhaar Card or any other tangible government document portraying his photograph and address.

iv) violation of the bail condition will make bail liable to be canceled.

9) Disposed of.

10) Case diary/ Status Report/ G.R. Case Record may be returned back.

Given under my hand and seal of this Court on this the 22nd day of March, 2022.

(Syed Burhanur Rahman)
Addl. Sessions Judge (F.T.C.),
Lakhimpur, North Lakhimpur.

Certified that the order is typed to my dictation and corrected by me and each page bears my signature.

(Syed Burhanur Rahman)
Addl. Sessions Judge (F.T.C.),
Lakhimpur, North Lakhimpur.