

GAHC010006162023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Bail Appln./155/2023**

RAKHIBUL HUSSAIN@RAKIBUL HOQUE  
S/O- RAHIM ALI,  
VILLAGE-NO-1 SARAGAON,  
P.S- BIJNI,  
DIST- CHIRANG, BTR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY PP, ASSAM

**Advocate for the Petitioner : MR. H ALI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**24.02.2023**

Heard Mr. H. Ali, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the State of Assam.

The petitioner, who was arrested on 24.11.2022 in connection with Manikpur P.S. Case No.194/2022 under Section 328/366(A)/376 IPC read with

Section 4 of the POCSO Act, has prayed for regular bail under Section 439 Cr.P.C.

The case diary was called for on 18.01.2023 and it was produced on 08.02.2023, but the medical report of the victim was awaited. Accordingly, direction was issued on 08.02.2023 to the learned APP to produce the scanned copy of the medical report of the victim on the next date. But the medical report was not produced on 17.02.2023.

The petitioner was arrested on 24.11.2022 and today is the 92<sup>nd</sup> day of his custody and accordingly, the petitioner is entitled for default bail.

Hence the Court is inclined to grant default bail to the petitioner, namely, Rakhibul Islam @ Rakibul Islam, in connection with Manikpur P.S. Case No.194/2022, on furnishing bail bond of Rs.50,000/- with two solvent surety of like amount to the satisfaction of the learned Special Judge (POCSO), Bongaigaon on the following conditions:

- (1) The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- (2) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
- (3) The petitioner shall not obstruct the smooth progress of the investigation/trial.

- (4) The petitioner shall not misuse his liberty in any manner.
- (5) The petitioner shall appear before the I/O within 10(ten) days from the date of his release. The petitioner shall provide his mobile number containing WhatsApp facility to the I.O. so as to enable the I.O. to contact with him as and when required for the purpose of investigation.
- (6) Along with the bail bond, the petitioner shall also submit an undertaking that if on perusal of the FSL report, the bail is dismissed, he would surrender before the police for further investigation.
- (7) In the event, the family members of the petitioner and/or his learned counsel approaches the concerned jail where he is presently lodged, the Jailor would allow the family members to get the signature of the petitioner on the undertaking to be submitted along with the bail bond. In this regard, the petitioner is permitted to produce a certified copy of this order before the Jailor concerned to do the needful.

Let a copy of this order be transmitted by the Registry to the Director General of Police to bring to the notice of the said authority that the updated case diary and the medical examination report of the sexually assaulted victim had not been produced by the I.O. till date.

The bail application stands disposed of.

**Sd/- Kalyan Rai Surana**  
**JUDGE**

**Comparing Assistant**