

GAHC010056502023



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

Case No. : Bail Appln./1009/2023

KHOBIRUDDIN SK @ KHABIR UDDIN
S/O- LATE ROJOB ALI, R/O- VILL.- TARANGMUKH, P.O. LAKHIGANJ, P.S.
BILASIPARA, DIST. DHUBRI, ASSAM, PIN- 783345.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 20.03.2023

Heard Mr. G. Chamuah, learned counsel for the petitioner. Also heard Mr. Bankim Sarma, learned APP appearing for the State.

2. The petitioner, who was arrested on 29.12.2022, is seeking regular bail under section 439 Cr.P.C. in connection with Bilasipara P.S. Case No.

349/2022, under sections 376 IPC, read with section 4 of the POCSO Act, corresponding to G.R. Case No. 659/2022, pending before the Court of learned Special Judge, Bilasipara.

3. This is the second application for bail, the previous bail application was rejected by order dated 10.02.2023, passed in Bail Appln. 170/2023.

4. The learned APP prays for some time to produce the case diary.

5. From the order dated 10.02.2023, it appears that the petitioner had solemnized the marriage of a minor girl and in the prescribed column No.4 of the Kabinnama, the girl was recorded as major, which was incorrect. Therefore, as the solemnization of marriage was not in accordance with the Assam Moslem Marriages and Divorces Registration Act and rules framed thereunder, the prayer for bail was earlier rejected.

6. Although the learned APP has opposed the prayer for bail, but considering that the petitioner has suffered custody of 82 days as on date, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Khobiruddin Sk. @ Khabir Uddin in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the learned learned Special Judge, Bilasipara.

7. Bail is granted on the following conditions:

- I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- II. 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.

III. The petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioner shall not misuse his liberty in any manner.

V. The petitioner shall appear before the I/O within 15 (fifteen) days from the date of his release and he shall continue to appear till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

8. This application stands disposed of.

JUDGE

Comparing Assistant