

GAHC010086532023



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

Case No. : Bail Appln./1476/2023

RAHUL ALI
S/O- SADAK ALI, RESIDENCE OF VILLAGE- KOIMARISIDAKSUTI,
BALAJANI, P.S. ABHAYAPURI, DIST.- BONGAIGAON, ASSAM, PRESENTLY
RESIDING AT DARANDHA, SIXMILE P.O. KHANAPARA, P.S. DISPUR, DIST.-
KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

18.05.2023

Heard Mr. M. Hoque, learned counsel for the petitioner. Also heard Mr. Bhaskar Sarma, learned APP appearing for the State.

The petitioner, who was arrested on 03.04.2023, is seeking regular bail

under section 439 Cr.P.C. in connection with Dispur P.S. Case No. 546/2023, under sections 366 IPC, R/w Section 4 of the POCSO Act.

Mr. Bhaskar Sarma, the learned APP has produced the Case Diary and has opposed the prayer for bail on the ground that at the time of sexual assault of the victim girl, she was a minor and aged about 17 years 5 months.

It appears from the contents of the FIR that the victim girl on her own volition had went out with the petitioner on 31.03.2023 and stayed with him in a Hotel and thereafter, she had returned back to her home at about 7 P.M. on 01.04.2023. Thereafter, an FIR has been registered against the petitioner that he has sexually assaulted her.

Although there are materials in the Case Diary against the petitioner of committing the offence, the Court finds that the victim girl is in the age of discretion. It appears that the victim girl herself has eloped with the petitioner on her own volition. So, further custodial interrogation of the petitioner would not be necessary.

Hence, the Court is inclined to grant bail to the petitioner, namely, Rahul Ali in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with one suitable surety of like amount to the satisfaction of the learned Additional Sessions Judge cum Special Judge, POCSO, Kamrup (M).

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 once a month thereafter till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

This application stands disposed of.

JUDGE

Comparing Assistant