

GAHC010097882023



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

Case No. : Bail Appln./1609/2023

MOKSER ALI
S/O LATE JAMED ALI @ HAMED ALI
R/O VILL- NO. 1 DHUPURI, P.S. MANIKPUR, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PP, ASSAM

2:BATEN ALI
S/O LATE JAMAL UDDIN
R/O VILL- NO. 2 DEWTARY

PO.O. ALUKHUNDA
P.S. MANIKPUR

DIST. BONGAIGAON
ASSAM
PIN-78339

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 08.05.2023

Heard Mr. M Khan, learned counsel for the accused petitioner as well as Mr. B Sharma,

learned Additional Public Prosecutor, Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Mokser Ali** has prayed for grant of bail in connection with **Manikpur P.S. Case No.148/2022** under Sections 363/366/376 of IPC r/w Section 6/17 of POCSO Act r/w Section 9/10/11 (1) of the Prohibition of Child Marriage Act r/w Section 75 of Juvenile Justice (Care and Protection of Children) Act.

The FIR relates to allegation of child marriage and sexual marital assault.

It is submitted by Mr. M Khan, learned counsel for the accused petitioner that the present accused petitioner was granted pre-arrest bail by this Court on 03.05.2023 in AB 1381/2023 but as the accused petitioner could not produce the certified copy of the order on 04.05.2023, he was arrested.

The order, dated 03.05.2023 passed in AB 1381/2023 whereby the accused petitioner was granted the privilege of pre-arrest bail is hereby extracted herein below (operative portion):

“.....Accordingly, it is provided that in the event of arrest, each of the petitioners, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioners shall appear before the Investigating Officer within 7 days, failing which, on and from the 8th day this pre-arrest bail order shall have no force; and*
- (ii) (ii) That the petitioners 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 the Court or to any police officer.”*

In view of above, it is provided that the accused petitioner, named above shall be released on furnishing bail bond of **Rs. 30,000/- (Thirty Thousand)** with one surety of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Bongaigaon**, subject to the following conditions- :

- (i) That the accused petitioner shall cooperate with the Investigating

Officer as and when required; and

(ii) That the accused 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 the Police Officer or the Court.

This disposes of the bail application.

JUDGE

Comparing Assistant