

GAHC010100702023



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

Case No. : AB/1690/2023

MD. JINTU ALI @ MONIRUL ALI
S/OMD. WAJED ALI
R/O VILL- NO. 2 DAKSHIN RONGAPANI, P.S. BOKO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PP, ASSAM

2:MUSST. KORPHULA AHMED
W/O SAMSUL HAQUE
R/O VILL-NO. 2
RONGAPANI
P.S. BOKO
DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR. U DUTTA
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

21-06-2023

Heard Mr. U. Dutta, learned counsel for the petitioner and Mr. B. Sarma, learned Additional

Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Md. Jintu Ali @ Monirul Ali**, apprehending his arrest, is seeking pre-arrest bail in Boko Police Station Case No. 96/2023 registered under Sections 352/354/354(A)/354(C) IPC read with Section 8/12 of the POCSO Act.

On 04.03.2023, the complainant lodged an FIR before the Officer-in-charge of Sontoli Police Out-Post stating that on that day in the evening, the petitioner forcefully pulled the minor daughter of the complainant and kissed on her lips and face inspite of her resistance and told her that said act has been video recorded and if she complained about the same, it will be made viral.

Accordingly, Sontoli Police Out-Post G.D.E. No. 54 was registered on 04.03.2023 and subsequently, it was registered as Boko P.S. Case No. 96/2023 under Sections 352/354/354(A)/354(C) IPC read with Sections 8/12 of the POCSO Act.

Perused the case diary as well as the statements of the victim recorded under Sections 161 CrPC and 164 CrPC, wherein she stated about the act committed by the petitioner. It is seen that the victim refused to undergo medical examination in the case.

Considering the above and the materials available in the case dairy, the Court is of the view that custodial interrogation of the petitioner, named above, is not warranted to investigate said Boko P.S. Case No. 96/2023. As such, this pre-arrest bail application of the petitioner is accepted.

Accordingly, in the event of arrest of the petitioner, namely, **Md. Jintu Ali @ Monirul Ali**, in said Boko P.S. Case No. 96/2023, he shall be released on bail on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the arresting authority, subject to the conditions that the petitioner shall - (i) appear before the concerned Investigating Officer of said Boko P.S. Case No. 96/2023 **on or before 28.06.2023** and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Boko Police Station, without obtaining prior written permission from the concerned I/O of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) not, directly or indirectly, make any inducement, threat to the victim, any of her family members or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the pre-arrest bail granted to him in said Boko P.S. Case No. 96/2023 shall stand automatically vacated.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

Return the case diary

JUDGE

Comparing Assistant