

GAHC010108932023



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

**Case No. : Bail Appln./1790/2023**

MD. GOLAP HUSSAIN  
S/O ABDUL HOQUE, R/O VILL-GOROIMARI, P.S.-LAHARIGHAT, , DIST-  
MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. K BORUAH**

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

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**27/06/2023**

Heard Mr. K Boruah, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Md. Golap Hussain**, seeking bail in connection with **POCSO Case No. 72/2023 arising out of Laharighat P.S. Case No. 28/2023** under Section 376 IPC read with Section 6 of the POCSO Act, 2012 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 presently pending before the learned Special Judge (POCSO), Morigaon, wherein he was arrested on 04.02.2023 and since then he is in custody.

From the perusal of the FIR of the case, it is seen that since 10.10.2022, the petitioner, who is 18 years old as has been reflected in the forwarding report dated 04.02.2023 lived together with the victim girl, who is above 16 years old as husband and wife by solemnizing social marriage.

By order dated 24.04.2023, the learned Special Judge (POCSO), Morigaon framed charge under Section 376 IPC read with Section 6 of the POCSO Act read with Sections 9/10/11 of the Prohibition of Child Marriage Act for trial of the petitioner and the said POCSO Case No. 72/2023 is presently pending for production and evidence.

Considering the period of detention of the petitioner in custody since 04.02.2023 and his age and also the point that charge against the petitioner has already been framed, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Laharighat P.S. Case No. 28/2023. As such, this bail application of the petitioner in said Laharighat P.S. Case is accepted.

Accordingly, the petitioner, namely, **Md. Golap Hussain**, be released on bail in said **POCSO Case No. 72/2023 arising out of Laharighat P.S. Case No. 28/2023** under Section 376 IPC read with Section 6 of the POCSO Act, 2012 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006, on furnishing a bail bond of Rs.75,000/- with 2 (two) local sureties of the like amount, to the satisfaction of the learned Special Judge (POCSO), Morigaon on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Laharighat P.S. Case No. 28/2023

as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Laharighat Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case; **(iv)** not indulge in any offence or any criminal activities in future and **(v)** 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, failing which, the bail granted to him in the aforesaid Laharighat P.S. Case No. 28/2023 shall stand automatically vacated.

Bail application accordingly stands allowed to the extent above.

**JUDGE**

**Comparing Assistant**