

GAHC010114572023



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

Case No. : Bail Appln./1865/2023

TAZMUL HUSSAIN (ALI)
S/O- ASRAF ALI, VILL- CHAR BIDYAPARA, P.S. AND DIST.- DHUBRI, 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 AJIT BORTHAKUR

ORDER

18.07.2023

Heard Mr. M. Haque, learned counsel for the accused petitioner. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely

Tazmul Hussain (Ali) has prayed for grant of bail in connection with **Special Case (POCSO) No.271/2022** pending in the Court of learned Addl. Session Judge-cum-Special Judge (POCSO), Dhubri arising out of **Dhubri P.S. Case No.339/2022** under Sections **376/511** of the IPC read with Section **12** of the POCSO Act.

The scanned copy of case record is placed before the Court.

The FIR reveals the allegation that on 27.06.2022 at around 6.30 p.m., the accused petitioner called the minor daughter of the informant aged about 8 years to his house and showed some obscene videos on his mobile phone as well as put off her clothes with intention to do bad things. When the victim raised hue and cry, the daughter of the accused appeared there and the accused petitioner left the victim.

It is noticed that the accused petitioner has been in judicial custody since 30.06.2023, that is, for 384 days.

Perusal of the case record shows that the learned trial Court framed charges under Sections 376/511 of the IPC read with Sections 8/12 of the POCSO Act against the accused petitioner vide order, dated 26.10.2022. Thereafter, out of the 7(seven) listed witnesses 4(four) prosecution witnesses are examined so far. Material witnesses including the informant and the victim have already been examined. Therefore, this Court is of the opinion that if the liberty of bail is granted to the accused petitioner, who has been in judicial custody for the last 384 days, the remaining part of trial is unlikely to be hampered.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.40,000/- (Rupees Forty Thousand)** only with one

surety of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Dhubri** subject to the following conditions-

- i) That the accused/petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of;
- ii) That the accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses, who are acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court;
- iii) That the accused/petitioner shall refrain from committing any offences similar to the one of which he is accused of commission.

This disposes of the bail application.

JUDGE

Comparing Assistant