

GAHC010115602023



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

Case No. : Bail Appln./1891/2023

MD TAHIDUL ISLAM AND 2 ORS
S/O- LATE MOHAMMAD LAL MIYA, VILL- BROARIKATI, P.S. BOKO, DIST.-
KAMRUP, ASSAM

2: SAHIDUL ALI @ SHOHIDUL ALI
S/O- MD. JURON ALI
VILL- MALIBARI
P.S. BOKO
DIST.- KAMRUP
ASSAM

3: HAFIJUR RAHMAN
S/O- MD. ABDUL MUTALEF
VILL- BOGORIGURI
P.S. BOKO
DIST.- KAMRUP
ASSA

VERSUS

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

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 08.06.2023

Heard Mr. R Ali, learned Counsel for the accused petitioners as well as Mr. RJ Baruah, learned Additional Public Prosecutor, Assam for the State respondent.

By this 2nd petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Md.**

Tahidul Islam, 2. Sahidul Ali @ Shohidul Ali and **3. Hafijur Rahman** have prayed for grant of bail in connection with **Jorhat PS Case No. 178/2023** under Sections 448/354/34 of IPC r/w Section 8/10/18 of POCSO Act.

It may be mentioned herein that earlier in Bail Application 1508/2023 vide order, dated 12.05.2023, the bail application of the present accused petitioners was rejected.

The case diary is received.

The matter relates to commission of physical assault on the minor victim by the the accused petitioners while she was alone at her home.

It is noticed that the accused petitioners have been in judicial custody for 57 days since 12.04.2023.

Mr. RJ Baruah, learned Additional Public Prosecutor submits that he has no objection if accused petitioner Nos. 2 and 3 are granted bail.

On perusal of the case diary, it is seen that the accused petitioner No.1 is the prime accused and there are abundance of *prima facie* incriminating materials against him in connection with the alleged offence. Therefore, the prayer for bail of the accused petitioner No. **1. Md. Tahidul Islam** is hereby rejected.

So far as the accused petitioner Nos. 2 and 3 are concerned, this Court is of the opinion that further detention of the accused petitioner Nos. 2 and 3 may not be necessary for the purpose of further investigation.

Accordingly, it is provided that the accused petitioner Nos. 2 and 3 namely, **Sahidul Ali @**

Shohidul Ali and **Hafijur Rahman** shall be released on furnishing bail of **Rs. 40,000/- each** only with one surety of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Jorhat** subject to the following conditions- :

- (i) That the accused petitioner Nos. 2 and 3 shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused petitioner Nos. 2 and 3 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.

Breach of any of the above conditions of bail shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant