

GAHC010120932023



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

Case No. : Bail Appln./1955/2023

JAHIRUL ISLAM
S/O- MD. HASEN ALI, R/O- VILL. NO. 1 PITHAGHAT, P.O. URIAMGHAT, DIST.
GOLAGHAT, ASSAM, PIN- 785601.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

06.06.2023

Heard Mr. M. Ahmed, learned counsel for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused/petitioner, namely **Jahirul Islam (Aged 17 years 8 months)** has prayed for grant of bail in

connection with **Uriamghat P.S. Case No.17/2023** under Sections **448/366/506** of the IPC added Section **6** of the POCSO Act.

Mr. M. Ahmed, learned counsel for the accused petitioner, submits that the date of birth of the petitioner is 11.09.2005 vide Annexure-3, the school certificate and as such, on the date of occurrence, that is, 27.04.2023, he was aged about 17 years 7 months 17 days. It is further submitted that the accused petitioner being a child in conflict with law at the time of the incident, he may be given the liberty of bail subject to any condition(s).

The allegation made in the FIR is that on 27.04.2023, the accused petitioner kidnapped the minor daughter of the informant, but, somehow, on 29.04.2023, she managed to escape and arrived at home and the accused person ran away. On 30.04.2023, the victim girl again went missing and the informant suspects that the petitioner has kidnapped her. It is further alleged that on 30.04.2023, at around 10 p.m., the father of the accused petitioner threatened to attack the family members of the victim with sharp weapon.

It is noticed that the accused petitioner has been in judicial custody since 05.05.2023, that is, for 33 days.

Perusal of the FIR and accused Forwarding Report shows prima facie incriminating material against the accused petitioner. However, in view of the plea of juvenility taken by the petitioner, this Court is of the opinion that if the accused petitioner is released on bail, the ongoing investigation into the case is unlikely to be adversely affected.

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), Golaghat/S.D.J.M.(M), Dhansiri, Sarupathar 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 who is acquainted with the facts of the case so as to dissuade him from disclosing such facts to the investigating officer or to the Court; and
- iii) That the documents relied on by the petitioner regarding the plea of juvenility shall be subject to verification by the learned Court below, if necessary, by the learned Juvenile Justice Board.

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

This disposes of the bail application.

JUDGE

Comparing Assistant