

GAHC010130632023



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

**Case No. : Bail Appln./2073/2023**

RAJUL ALOM @ ISLAM  
S/O- ABDUL HALIM,  
R/O- VILLAGE PADUMANI,  
P.S- MURAJHAR,  
DIST- HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR  
REP. BY THE PP, ASSAM

2:SABANA BEGUM  
D/O- BILALUDDIN

R/O- VILLAGE UTTAR NAWABIL

P.S- MURAJHAR

DIST- NAGAON  
ASSA

**Advocate for the Petitioner : M U BARBHUYAN**  
**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**30.06.2023**

Heard Mr. M. U. Barbhuyan, learned counsel appearing for the accused

petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Rajul Alom @ Islam**, has prayed for grant of bail in connection with **Special POCSO Case No.62/2018 arising out of Murajhar PS Case No. 2/2018** under Sections **366/376(3)** of IPC read with Section 6 of POCSO Act.

The scanned copy of case record along with case diary, as called for, is placed before the Court.

The F.I.R. reveals the allegation of kidnapping and rape upon the victim girl by the accused petitioner.

It is noticed that the accused has been in judicial custody for 27 days since 03.06.2023.

Perusal of the case record shows that in connection with the instant case the accused petitioner was earlier released on bail after undergoing judicial custody for 44 days by the court of learned Additional District and Sessions Judge, Sankardev Nagar, Hojai vide order dated 28.11.2018. Thereafter, on several dates, he failed to appear before the learned court below, for which NBWA and P & A was issued against him. This Court, vide order dated 26.05.2023 passed in Crl. Pet. No. 498/2023 directed the accused petitioner to appear before the learned court below within 10 days and till then NBWA and P & A issued against him was directed to be kept in abeyance. However, on 03.06.2023, when the accused petitioner appeared before the learned court below, his bail application was rejected and he was taken into custody. It is further noticed that vide order dated 28.11.2018 charges under Section 366/376(3) of the IPC read with Section 4 of the POCSO Act have been framed against the accused petitioner

and thereafter the case is pending at the appearance stage.

Upon hearing the learned counsel for the parties as well as considering the averments made in the petition along with the documents annexed therewith, this Court is of the opinion that if the accused petitioner, who is a permanent resident under Murajhar police station, is released on bail, the ongoing trial of 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. 50,000/-** with two sureties of like amount to the satisfaction of the **learned Special Judge (POSCO Act), Hojai** 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 person 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 similar offence in future of which he is accused; and
- (iv) That out of the two bailers, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

This disposes of the bail application.

**JUDGE**

**Comparing Assistant**