

GAHC010137832023



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

Case No. : Bail Appln./2223/2023

SAHIDUL AHMED @ LALCHAND BATCHA @ LALCHAN BADSHA
S/O- ANOWAR HUSSAIN, VILL- BORODOL, KACHIMA, P.O. AOLATOLI, P.S.
LAKHIPUR, DIST.- GOALPARA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 25.07.2023

Heard Mr. AM Khan, learned counsel for the accused petitioner as well as Mr. BB Gogoi, learned Addl. Public Prosecutor for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Sahidul Ahmed @ Lalchand Batcha @ Lalchan Badsha** has prayed for grant of bail in connection with **Pragjyotishpur PS Case No. 71/2023** under Sections 376(D) (A)/34 of the IPC r/w

Section 6/17 of POCSO Act and also r/w Section 75 of JJ Act.

The case diary, as called for, is placed before the Court.

It is noticed that the accused petitioner is in judicial custody since 25.05.2023, i.e. for 61 days.

The FIR reveals the allegation that the granddaughter of the informant was raped by the present accused petitioner along with two other accused persons when she went to bring water from a deep well situated within the campus of one Samir Ali, an inhabitant of Training Centre near shiv mandir.

On perusal of the case diary, it appears that the present accused petitioner is not the main accused. However, the victim has implicated the present accused petitioner in her statement under Section 164 CrPC. There is *prima facie* incriminating material against the accused petitioner.

However, considering the length of detention of the accused petitioner in judicial custody for 61 days, this Court is of the considered opinion that further detention of the accused petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above shall be released on furnishing bail bond of **Rs. 40,000/-** with 2(two) sureties of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Kamrup (M) at Guwahati**, subject to the following conditions- :

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- 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 Police Officer or the Court; and
- iii) That out of the two sureties, 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.

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