

GAHC010155642023



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

Case No. : Bail Appln./2502/2023

SAMSUL HOQUE
S/O ABDUS SALAM
VILL- SANARTARI
P.O. KHONGRA, P.S. TARABARI
DIST. BARPETA, ASSAM
PIN-781305

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-07-2023

Heard Mr. N. Islam, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Samsul Hoque**, is seeking bail in connection with Patacharkuchi Police Station Case No. 256/2023 registered under Sections 370/370(A)/ 372/34 IPC read with Sections 4/6 of the Protection of Children from Sexual Offence Act, 2012 with Sections 4/5 of the Immoral Traffic Prevention Act, 1956, corresponding to GR Case No. 280/2023, wherein he was arrested on 25.05.2023 and since then he is in custody.

Earlier, the petitioner approached this Court for his bail in said Patacharkuchi P.S. Case No. 256/2023 in BA No. 2030/2023. However, the Court by order dated 22.06.2023 rejected his bail prayer on perusal of the case diary.

This is second bail application of the petitioner in said Patacharkuchi P.S. Case No. 256/2023.

Case diary reveals that on the basis of a specific information received from the reliable source, one Maruti Alto Vehicle bearing registration No. AS-01-PC-1760 that was moving towards Kokrajhar from Guwahati through National Highway No. 27 for the purpose of prostitution and immoral trafficking of women and children was apprehended during naka checking and some of the accused persons including the victims were caught red handed by the police personnel, where two of them were minor girls.

From the statements of the arrested accused persons as well as the victims, it is found that the petitioner herein along with other accused persons of the case used to run a racket of prostitution and immoral trafficking of women and children in and around Guwahati.

In the case in hand, the petitioner after collecting the victims handed them over to two other accused persons of the case who after selling them to different customers at Kokrajhar took huge amount of cash for which financial transaction was made through his mobile.

It is seen that during the Test Identification Parade (TIP), the victims identified the accused petitioner along with other accused persons of the case.

Mr. Islam, learned counsel for the petitioner placed before the Court two such bail orders passed earlier by a Co-ordinate Bench of this Court by which two of the accused persons of the case identified during the TIP, namely, Rajdeep Poddar and Asia Begum @ Marjina Begum @ Amiou Begum @ Pinki were released on bail in said Patacharkuchi P.S. Case No. 256/2023 on 18.07.2023.

It is seen that the Investigating Officer of said Patacharkuchi P.S. Case No. 256/2023 has investigated the matter to certain extent and some of the accused persons involved in the case are yet to be apprehended as they are evading arrest.

Considering the period of detention of the petitioner in custody since 25.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Patacharkuchi P.S. Case No. 256/2023. Accordingly, the bail application of the petitioner, named above, in said Patacharkuchi P.S. Case is accepted.

Accordingly, the petitioner, namely, **Samsul Hoque** be released on bail in said Patacharkuchi P.S. Case No. 256/2023 registered under Sections 370/370(A)/ 372/34 IPC read with Sections 4/6 of the POCSO Act, 2012 with Sections 4/5 of the Immoral Traffic Prevention Act, 1956, on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, where one of them should be a Government Employee (either State or Central Government), to the satisfaction of the learned Special Judge, POCSO, Bajali, Assam on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Patacharkuchi P.S. Case No. 256/2023 **on every Monday during the 1st half of the office hours between 10:00 am to 02:00 pm in the week commencing from 07.08.2023 for the next 2 (two) months or till filing of charge sheet in the case, whichever, is earlier** and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Patacharkuchi Police Station, without obtaining prior written permission from the Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case; (iv) not indulge in any similar offence or any other criminal offences in future and (v) 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/her from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Patacharkuchi P.S. Case No. 256/2023 shall stand automatically vacated.

This bail application of the petitioner stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant