

GAHC010161332023



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

Case No. : Bail Appln./2584/2023

BILLAL UDDIN AND 3 ORS.
S/O LATE ABDUL HELIM
R/O JAMUNA MOUDANGA KRISHIPAM NIGAM, P.S. MURAJHAR
DIST. HOJAI, ASSAM

2: ABDUL KARIM
S/O YAKUB ALI
R/O JAMUNA MOUDANGA KRISHIPAM NIGAM
P.S. MURAJHAR
DIST. HOJAI
ASSAM

3: AFJAL UDDIN
S/O LT. ABDUL SATTAR
R/O JAMUNA MOUDANGA KRISHIPAM NIGAM
P.S. MURAJHAR
DIST. HOJAI
ASSAM

4: NASHIR HOSSAIN
S/O LATE ABDUL SUBHAN MIR
R/O JAMUNA MOUDANGA KRISHIPAM NIGAM
P.S. MURAJHAR
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14-08-2023

Heard Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. I.U. Choudhury, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, **1) Billal Uddin, 2) Abdul Karim, 3) Afaj Uddin & 4) Nasir Hossain**, in connection with **Murajhar Police Station Case No. 162/2023**, registered **under Sections 120B/342/370(4)/372 IPC read with Section 75 of Juvenile Justice Act read with Section 6 of POCSO Act.**

It has been submitted by the learned counsel for the accused-petitioners that the allegations against the petitioners is that they have only pressurized the complainant not to lodge the FIR and settled the matter in the village level and there is no allegation against the co-accused/ petitioners under section 6 of the POCSO Act or under section 370 and 372 of IPC. It is further submitted by the learned counsel for the petitioners that the accused-petitioners are innocent and falsely implicated in the instant case. As they are no way connected with the alleged offence and have been detained in custody for last forty days (since 04.07.2023) and prays that considering the length of detention of the accused-petitioners, bail may be granted to them.

Mr. D.P. Goswami, learned Additional Public Prosecutor for the State has also admitted that the allegations against the present petitioners is that they had pressurized the complainant not to lodge the FIR and settle the matter on payment of Rs. 2,00,000/-.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary. Considering the allegations made in the FIR as well as the submissions made by the learned counsel for the parties, I am of the considered opinion that further custodial interrogation of the accused-petitioner is not warranted in the instant case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Murajhar Police Station Case No. 162/2023**, registered **under Sections 120B/342/370(4)/372 IPC read with Section 75 of Juvenile Justice Act read with Section 6 of POCSO Act**, on furnishing a bail bond of **Rs.30,000/-(Thirty Thousand) each** with **two suitable sureties each** of the like amount, to the satisfaction of learned Sessions Judge-cum- Special Judge, Hojai.

The direction for bail is further subject to the conditions that the accused-petitioners:

(a) shall not leave the territorial jurisdiction of learned Sessions Judge-cum- Special Judge, Hojai, without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 or to any police officer.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after their release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant