

GAHC010177772023



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

Case No. : Bail Appln./2830/2023

SAHABUDDIN @ MD SAHABUDDIN ALI
S/O LATE HABIUDDIN
VILL- NO. 1 KEHUTOLI, LALUK
P.S.LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

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

2:MD. HANIF ALI
S/OMD. JALALUDDIN
R/O VILL- NADIKA

LALUK
DIST. LAKHIMPUR

PIN-78416

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 22.09.2023

Heard Mr. S Neog, learned counsel for the accused petitioner as well as Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Sahabuddin @ Md. Sahabuddin Ali** has prayed for grant of bail in connection with **Laluk P.S. Case No.122/2023 (GR Case No. 604/2023** under Section 4/12 of the POCSO Act r/w Section 67 A of the Information Technology Act, 2000.

It is seen from the record that notice could not be served upon the respondent No. 2/ informant as the same was received late i.e. on 29.08.2023.

Case diary is received.

The FIR reveals the allegation that the minor daughter of informant had physical relation with the accused petitioner and thereafter the accused petitioner secretly kept some photos and hanged those photos in public places by printing those in a larger size.

It is noticed that the accused petitioner has been in judicial custody for 88 days since 25.06.2023.

Having heard learned counsel for the parties and on perusal of case diary, it is seen that the victim has implicated the accused petitioner in her statement under Sections 161 and 164 CrPC respectively. Medical Report is not available. There are *prima facie* incriminating materials against the accused petitioner. Investigation is not yet completed.

However, considering the length of detention of the accused petitioner in judicial custody (88 dayd), this Court is of the considered opinion that further continuation of detention 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. 30,000/- (Thirty Thousand)** with one surety of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Lakhimpur at North Lakhimpur** 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 the accused petitioner shall refrain from committing any similar offence of which he is accused of commission.

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

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant