

GAHC010193652023



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

Case No. : Bail Appln./3066/2023

RAMJAN ALI
S/O LATE OWAJED ALI
R/O VILL- CHAKABAUSHI
P.S. AND DIST. BARPETA, ASSAM

VERSUS

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

2:MD. GOLAP MOLLAH
S/O LATE TARA MOLLAH
R/O VILL- CHAKABAUSHI
P.S. AND DIST. BARPETA
ASSAM
PIN-78120

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

01.09.2023

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr.

K.K. Parasar, learned Additional Public Prosecutor appearing for the State of Assam.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Ramjan Ali, who has been detained behind the bars since 01.07.2023 on strength of a non-bailbale warrant of arrest issued against him by the learned Trial Court in POCSO Case No. 06/2023 under section 120(B)/365/307/376 of the Indian Penal Code read with section 9/10/11 of the Child Marriage Prohibition, Act and section 4 of the POCSO Act, 2012 which is pending before the Court of learned Special Judge, Barpeta.

Learned counsel for the petitioner has submitted that on the basis of an FIR which was lodged by one Golap Mollah against eight numbers of accused persons including the present petitioner, an investigation was initiated and on culmination of the investigation, charge-sheet was laid on 31.12.2022 against all the eight FIR named accused persons including the present petitioner showing the present petitioner as absconder.

Learned counsel for the petitioner submits that he was arrested on strength of non-bailbale warrant of arrest issued by the learned trial Court on 01.07.2023, though he had never received any summons from the said Court. It is also submitted that though he is named in the FIR, he is not the main accused and the main allegation is against his son Rashidul Islam, who was arrested earlier in the said case and he is already on bail.

Learned counsel for the petitioner has also submitted that all other accused persons except the present petitioner are on bail.

It is submitted that as the present petitioner is a permanent resident of village Chakabaushi, under Barpeta Police Station, he is ready to face trial under

any condition imposed by this Court.

Learned Additional Public Prosecutor submits that as other accused persons are on bail, the Court may ensure that the present petitioner appears before the learned trial Court and faces trial and co-operate in his trial.

Considering the submissions made by learned counsel for the parties as well as materials in the case record, the present petitioner namely, Ramjan Ali is allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of learned trial Court. The learned trial Court may impose any additional condition which it deems fit at the time of accepting the bail bonds.

With the above observations, this instant bail application is disposed of.

JUDGE

Comparing Assistant