

GAHC010229302022



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

Case No. : Bail Appln./2994/2022

NURUL HOQUE
S/O ABDUL GONI
R/O VILL- NAM DABAKA PATHAR, P.S. DABAKA, DIST. HOJAI, ASSAM

VERSUS

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

2:PIYARA BEGUM
D/O LATE MOINUL HAQUE
VILL- KACHARIPARA
P.S. DABAKA
DIST. HOJAI
ASSAM
PIN-78244

Advocate for the Petitioner : MR. B K MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.02.2023

Heard Mr. P.K. Das, learned counsel for the petitioner as well as Mr. M.P. Goswami learned APP for the State.

2. The petitioner, namely, Md. Nurul Hoque, who was arrested on 23.07.2022 in connection with Special POCSO case no.75(H)/2022 under section 376(3) of the POCSO Act read with section 4 of the POCSO Act arising out of Dabaka P.S. case no.203/2022, is seeking regular bail by filing this application under section 439 Cr.P.C.

3. Pursuant to the order of this Court, requiring appearance of the informant, the informant namely, Ms. Piyara Begum, daughter of late Moinul Hoque, resident of village Kacharipara, P.S. Dabaka, Hojai district, has appeared with her minor child aged 17 months.

4. On a query of the Court, the informant has stated that she has now reconciled with her husband and has been living in her matrimonial home. It is submitted that as her father-in-law, who is accused of sexually assaulting her minor daughter is in custody, the said condition is affecting her matrimonial life.

5. It is also noted that the trial of Special (POCSO) case no.75(H)/2022 under section 376(3) IPC read with section 4 of the POCSO Act is going on. Considering the statement made by the respondent no.2 orally before the Court, and taking note of the fact that the petitioner is in custody since 23.07.2022, despite objection made by the learned APP, the Court is inclined to release the petitioner, namely, Md. Nurul Hoque on bail on furnishing a bail bond of Rs.1.00 lakh (Rupees one lakh only) with two solvent sureties of like amount to the satisfaction of the learned Special Judge (POCSO), Hojai. Out of two bailors, one should offer his/ her immovable property as security for grant of bail.

6. Bail is granted on the following conditions:

1. The petitioner shall appear before the Court in the present case on all the dates fixed for trial.
2. The 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioner shall not obstruct the smooth progress of the trial/ investigation.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall not jump over the bail.
6. The petitioner shall once again appear before the IO once in 15(fifteen) days and he shall continue to appear once a month till his personal appearance is dispensed with or charge sheet is submitted, whichever is earlier.
7. The petitioner on release shall not intimidate or take any illegal steps against the respondent no.2.
8. The respondent no.2 is also at liberty that in the event the petitioner takes any coercive steps or causes any domestic violence against her, it would be open to the respondent no.2 to approach the jurisdictional police.

7. The Registry shall not issue certified/ uncertified copy of scanned copy of the case record.

8. Application stands disposed of.

JUDGE

Comparing Assistant