

GAHC010233002023



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

Case No. : Bail Appln./3705/2023

RUNI LAL BASFOR
S/O. LT. SANKAR LAL BASFOR
VILL- KAKRIPARA (NATUNGAON)
P.S- MANKACHAR, DIST. SOUTH SALMARA, MANKACHAR, ASSAM, PIN.
783127.

VERSUS

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

2:ABDUL HAMID CHAUDHURY
S/O. LT. UFAZ UDDIN CHOWDHURY
VILL- AIRKATA
P.S- FAKIRGANJ
DIST. DHUBRI
ASSAM

PIN- 78312

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15-11-2023

Heard Mr. A. Z. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, and Mr. M. Hussain, learned

counsel appearing for the informant/victim.

This Bail Application under Section 439 of the CrPC has been filed by the accused-petitioner, namely, **Puni Lal Basfor**, for grant of regular bail in connection with **Mankachar Police Station Case No. 386/2023, under Sections 9, 10 and 11 of the Protection of Child Marriage Act, 2006, read with Section 6 and 17 of the POCSO Act, 2012**. He was arrested on 16.03.2023 and since then has been languishing in jail.

Learned counsel for the petitioner has submitted the accused-petitioner was arrested on 03.10.2023 and he is languishing in jail for the last 44 days. The accused-petitioner got married with the victim girl about 6 years back and since then they are living together as husband and wife and they also have two children out of their wedlock. Now the victim is 22 years of age. It is also submitted that there is no allegation against the petitioner that he has ever committed any sexual assault to the victim girl, which falls under the purview of the POCSO Act. It is further submitted that considering the period of detention, the accused-petitioner may be enlarged on bail on any such conditions as may be imposed by the Court.

Learned Additional Public Prosecutor has submitted that he has no objection if bail is considered to the petitioner.

Learned counsel appearing for the informant has submitted that the victim has sworn an affidavit stating that she is the wife of the accused-petitioner and her husband was arrested in connection with the case. Now she is about 18 years of age having two children. It is also stated in the affidavit that due to absence of her husband they are facing financial hardship and she has no objection if bail is granted to the petitioner.

In view of the above and considering the submissions of the learned counsel for the parties, this Court is of the view that further custodial detention of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, it is hereby directed that the accused-petitioner, named above, shall be released on bail in connection with **Mankachar Police Station Case No. 386/2023, under Sections 9, 10 and 11 of the Protection of Child Marriage Act, 2006, read**

with Section 6 and 17 of the POCSO Act, 2012, on furnishing of bail bond of Rs. 30,000/- with one suitable surety of the like amount to the satisfaction of the learned Special Judge, South Salmara, Mankachar.

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

- (a) shall not leave the territorial jurisdiction of the learned Special Judge, South Salmara, Mankachar, without prior written permission from him/her;
- (b) shall not hamper with the investigation, or temper 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.

In terms of the above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant