

GAHC010233272023



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

Case No. : Bail Appln./3769/2023

ABDUL MANNAN
S/O KERAMAT ALI
VILL- DHAPGURI KURALBHANGA PT.II
P.O. KALAPANI, P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783135

VERSUS

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

2:MD. APTAR HUSSAIN
S/O SOLEMAN TALUKDAR
VILL- CHATIBHUI
P.S.MANKACHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-78313

Advocate for the Petitioner : MR. K H SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22.12.2023

Heard Mr. K.H. Saikia, learned counsel for the petitioner Abdul Mannan.

2. The petitioner has filed this application under Section 439 Cr.P.C., with prayer for bail as he is in jail since 24.06.2023 in connection with Special Case No. 33/2023 under Sections 342/376(3) IPC read with Section 4 of the POCSO Act arising out of South Salmara P.S. Case No. 180/2023 under Sections 342/376(3)/511 IPC read with Section 8 of POCSO Act pending in the Court of Special Sessions Judge, POCSO, South Salmara, Mankachar.

3. Heard Mr. B.B. Gogoi, learned Addl. P.P., Assam for the State respondent No. 1 and Mr. M. Islam, learned counsel for the respondent No. 2. Mr. Gogoi and Mr. Islam have raised objection to the prayer for bail of the petitioner.

4. It is submitted on behalf of the petitioner that the petitioner will abide by any bail conditions if imposed upon him. It is submitted that the petitioner is languishing in jail for more than 180 days.

5. The petitioner is a teacher of Banat Madrassa and the victim who was 13 years old was a student in the said Madrassa. On 08.06.2023 around 5-20 PM the petitioner took the victim to the market and committed sexual assault upon the victim who was only 13 years old. After investigation charge-sheet was laid by the Investigating Officer. It is submitted that the petitioner is a local resident and he is willing to co-operate with trial. I have considered the submissions on behalf of the petitioner.

6. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of the like amount to the satisfaction of the learned Special Sessions Judge, POCSO, South Salmara, Mankachar subject to the conditions that :

- i. The petitioner shall not go near the vicinity of the victim;

- ii. The petitioner shall not hamper and tamper with the evidence of the case;
- iii. 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 the Court or to any Police Officer;
- iv. The petitioner shall not leave the territorial jurisdiction of the concerned Police Station without prior permission of the Investigating Officer;
- v. The petitioner shall refrain from such activities with which he is alleged failing which, his bail will be cancelled.

The bail application stands disposed of.

JUDGE

Comparing Assistant