

GAHC010247992023



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

Case No. : Bail Appln./3988/2023

RAHIDUL ALI @ RAHIDUL ISLAM
S/O- FULCHAN ALI, PERMANENT RESIDENT OF VILL.- CHATA GAON, P.S.
TARABARI, DIST. BARPETA, ASSAM, PIN- 781305.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE P.P., ASSAM

2:DINESH CH. DAS
S/O- LATE ANANDI RAM DAS
R/O- VILL.- BAHARI
P.S. TARABARI
DIST. BARPETA
ASSAM
PIN- 781302. (INFORMANT).

3:RUNIA BEGUM
W/O- RAHIDUL ALI @ RAHIDUL ISLAM
D/O- HANIF ALI
VILL.- CHATA GAON
P.S. TARABARI
DIST. BARPETA
ASSAM
PIN- 781305. (VICTIM)

Advocate for the Petitioner : J U AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 16-11-2023

Heard Mr. J.U. Ahmed, learned counsel for the accused/petitioner. Also heard Mr. R.J. Barua, learned Additional Public Prosecutor for the State/respondent.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused/petitioner, namely, **Rahidul Ali @ Rahidul Islam** in connection with **Tarabari P.S. Case No. 81/2023**, registered under **Sections 9/11 of the Prohibition of Child Marriage Act, 2006 r/w Sections 6/17 of POCSO Act.**

The learned counsel for the petitioner has submitted that the petitioner was arrested on 03.10.2023 and since then, the petitioner has been languishing in jail hazot. The petitioner got married to the victim girl after attaining majority and a child was born out of their wedlock. In support of his claim, the learned counsel for the petitioner has submitted an ADHAAR Card of the victim girl which reveals that the date of birth of the victim girl is 20.08.2003. It is also submitted that there is no allegation against the present petitioner that he committed any offence like sexual assault towards the victim which falls under the provision of POCSO Act. Considering the period of detention, the petitioner may be enlarged on bail.

On the other hand, Mr. Barua, learned Additional Public Prosecutor has opposed in granting the privilege of bail to the petitioner.

I have considered the submissions made by the learned counsel for the

parties. It appears that the FIR was lodged by one Dinesh Chandra Das, who is not related to the victim or her family members. It appears that the petitioner got married to the victim girl on attaining majority in support of which the learned counsel for the petitioner has submitted an ADHAAR card which reveals that the date of birth of the victim girl is 20.08.2003 and according to the learned counsel for the petitioner the marriage was held on 19.11.2020. It transpires that the victim girl was above 17 years of age when the marriage took place. It further reveals that there is no allegation against the petitioner that he had committed any offence which comes under the purview of POCSO Act.

Considering the nature of offence as well as length of detention of the petitioner, this Court is of the view that further custodial interrogation of the petitioner is not necessary. Hence, the prayer for bail is allowed.

Accordingly, the petitioner, named above, shall be released on bail in connection with **Tarabari P.S. Case No. 81/2023**, registered **under Sections 9/11 of the Prohibition of Child Marriage Act, 2006 r/w Sections 6/17 of POCSO Act**, on furnishing bail bond of **Rs.30,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned Special Judge, Barpeta.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge, Barpeta without prior written permission from him/her;

(b) 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