

GAHC010251662023



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

Case No. : Bail Appln./4055/2023

ABDUL KHALEK
SON OF IMAN ALI, R/O- VILLAGE- BOIRAPUR, P.S. SORBHOG, DISTRICT-
BARPETA, ASSAM, PIN-

VERSUS

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

2:KHANINDRA CH. MEDHI
SECRETARY AND CMPO OF 49 NO. MEDA GAON PANCHAYAT
P.S. SORBHOG
DISTRICT- BARPETA
ASSAM
PIN

Advocate for the Petitioner : MR. F A HASSAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

10.11.2023

Heard Mr. S.C. Biswas, learned counsel for the accused-petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439** Cr.P.C., seeking bail by the accused-petitioner, namely, **Abdul Khalek**, in connection with **Sorbhog P.S. Case No. 102/2023**, registered under Section **120(B)** of IPC read with Section **9/10/11** of the Prohibition of Child Marriage Act and Section 6/17 of the POCSO Act.

It has been submitted by the learned counsel for the petitioner that the petitioner has been languishing in jail custody since 04.10.2023 for the last 37 days, who allegedly married the victim in the year 2022, when the victim was around 18 years of age. At present the victim is above 18 years old and she is carrying 9 months pregnancy. Moreover the FIR was lodged by one GP Secretary who has no relation with any family members of the victim. The learned counsel for the petitioner prays for considering the case and grant bail to the petitioner.

On the other hand, learned Additional Public Prosecutor submits that as it is a POCSO matter, notice be issued to the informant (respondent no.2) and the presence of the respondent no.2 is required at the time of hearing of the case.

I have heard the learned counsel for the parties.

The documents submitted by the learned counsel for the petitioner reveals that the petitioner is expecting baby by this month and there is no allegation against the present petitioner made by the victim or her family members which falls under the provision of POCSO Act.

In view of the above, bail is granted to the petitioner.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Sorbhog P.S. Case No. 102/2023**, registered under Section **120(B)** of IPC read with Section **9/10/11** of the Prohibition of Child Marriage Act and Section 6/17 of the 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 hamper with the investigation, or tamper 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.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail, or as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant