

GAHC010002012024



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

Case No. : AB/53/2024

ABDUL KAYUM BARBHUIYA @ ABDUL KAYUM UDDIN BARBHUIYA
S/O- ALA UDDIN LASKAR, VILL. APPIN PT- II, P.S- LALA, DIST -
HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR. ASSAM

2:AFJOL HUSSAIN BARBHUIYA
S/O - ABDUL HASIM BARBHUIYA
VILL- APPIN PT- II
P.O. APPIN
P.S. LALA
DIST- HAILAKANDI
ASSAM
PIN - 78816

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

16.02.2024

Heard Mr M Khan, learned counsel for the petitioner, Abdul Kayum Barbhuiya @
Abdul Kayum Uddin Barbhuiya.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Lala PS Case No. 274/2023, registered under Sections 120(B)/506 IPC, read with Section 4 of the POCSO Act.
3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
4. Notice issued to the respondent No. 2, has returned after service. However, the respondent No. 2 is not represented.
5. I have considered the submissions at the Bar.
6. It is submitted that 6 co-accused have been granted bail and the other co-accused have been granted anticipatory bail by the learned trial Court.
7. The allegation is basically against the prime accused, Jabir Ahmed.
8. It is submitted that no case under Section 4 of the POCSO Act, has been made out against the petitioner. The petitioner is willing to abide by any stringent conditions, if imposed upon him. The petitioner is also willing to cooperate with the investigation.
9. I have perused the Case Diary.
10. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that-

- i) the petitioner shall appear before the IO within 10 (ten) days and cooperate with the investigation,
- ii) the petitioner shall refrain from such activities with which he is alleged, and
- iii) the petitioner shall not exercise threats to the witnesses.

On breach of any of the bail conditions, the bail order shall stand cancelled.

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant