

GAHC010004462024



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

Case No. : Bail Appln./92/2024

NIJAM MANDAL @ NIJAM UDDIN MANDAL
S/O- OLI MANDAL,
R/O- VILL- CHATIUR, P.S.- DHALIGAON,
DIST.- CHIRANG, ASSAM.

VERSUS

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

2:MAHAR ALI
SON OF DULAL ALI
RESIDENT OF GABHARU GRANT
P.S.- TEZPUR
DISTRICT- SONITPUR

ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

12.01.2024

Heard Mr S C Biswas, learned counsel for the petitioner, Nijam Mandal @ Nija
Muddin Mandal.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 17.10.2023, in connection with Bongaigaon PS Case No. 441/2023, under Section 306 IPC, read with Section 75 of the JJ Act, added Section 376(2) (i) IPC, read with Section 4/17 of the POCSO Act and Section 3 (1) (2) (a)/4(1)/5(1)(a)(d) of the Immoral Traffic (Prevention) Act, 1956.
3. It is submitted that notices were issued to the respondent No. 2.
4. The respondent No. 2 is not represented today.
5. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.
6. The FIR unfolds that the accused Komala Khatun and Sofiur Rahman called the victim on 09.10.2023 at about 10:00 am, and detained her in the house of Bijit Das at Dhaligaon. Later, on 15.10.2023, at about 10:00 am, the accused named in the FIR informed the victim's father over phone that his daughter committed suicide by hanging. The informant has strong suspicion that the accused named in the FIR had tortured the victim.
7. The learned counsel for the petitioner has submitted that the prime accused, Komala Khatun was granted bail vide order dated 18.12.2023, in connection with Bail Application No. 4047/2023.
8. It is submitted by the learned counsel for the petitioner that the petitioner is languishing in the jail for 88 days.

9. Case Diary has been called for, but Case Diary has not been received.
10. It is submitted by the learned counsel for the petitioner that the statutory period will be over in two days and personal liberty of the petitioner will be curtailed if the petitioner is not granted bail, due to the ensuing vacation commencing from 13.01.2024.
11. I have considered the submissions at the Bar with circumspection.
12. I have considered the submission of the learned counsel for the petitioner that the petitioner is a local resident and he has pledged to cooperate with the investigation and abide by any bail conditions.
13. Considering all aspects and in view of my foregoing discussions, 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 Judge (POCSO), Bongaigaon, under the conditions that:-
 - i) the petitioner will not jump the bail and cooperate with the trial and investigation,
 - ii) the petitioner shall refrain from such activities with which he is alleged,
 - iii) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of trial, and,
 - iv) the petitioner shall not exercise threats to witnesses and tamper with

the evidence.

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

14. Bail Application stands disposed of.

JUDGE

Comparing Assistant

