

GAHC010011172024



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

Case No. : Bail Appln./212/2024

NUR ALOM
S/O ABU SHAMA
VILL- HIRAPARA, P.S. ABAYAPURI
DIST. BONGAIGAON, ASSAM

VERSUS

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

2:MAHESWAR RAY
S/O MAJU RAM RAY
VILL- NOTUN AMTOLA

P.O. SALMARA NORTH
P.S. ABHAYAPURI
PIN-783383

DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR. S S S RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 22.03.2024

Heard Mr. S.S.S. Rahman, learned counsel for the accused-petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State/respondent No. 1 and Mr. A.N. Ahmed, learned counsel for the respondent No. 2.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Nur Alom**, in connection with **Special (P) Case No. 137(A)/2023 (arising out of Abhayapuri P.S. Case No. 292/2023)**, registered under **Section 365 IPC added Section 376 IPC r/w Section 6 of POCSO Act.**

3. It is submitted by the learned counsel for the petitioner, that the petitioner has been detained in custody for more than eight months. He is a student of H.S. second year in Science City Academy, Abhayapuri. It is further submitted that the petitioner has not committed such offence as alleged in the FIR.

4. It is also the submission of the learned counsel for the petitioner that after filing of the charge-sheet, the case is now at the trial stage. The evidence of informant and the victim have already been recorded as such, there is no question of intimidating the witnesses of the case. Considering the length of detention, the petitioner may be enlarged on bail.

5. In response, learned Additional Public Prosecutor, submits that the

witnesses examined by the prosecution have implicated the petitioner to be involved in the case. The learned Addl.P.P. has pointed out the bail rejection order of the trial court which shows the aggressive nature of the accused/petitioner in the court. The trial court is apprehensive that if the petitioner is released on bail, he would intimidate the prosecution witnesses and bail application of the petitioner was rejected by the trial court holding that the accused/petitioner should not be released on bail until recording the evidence of the material prosecution witnesses more particularly the mother of the victim.

6. I have perused the scanned copy of the trial court record which reveals that the victim and the informant who is the father of the victim have already been examined.

7. In view of the above, bail application is rejected. However, the petitioner is at liberty to approach before the trial court seeking bail after recording the evidence of the mother of the victim.

8. The bail application is disposed of accordingly.

JUDGE

Comparing Assistant