

GAHC010012132024



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

Case No. : Bail Appln./214/2024

FIRAJUL HOQUE
S/O MOHAMMAD HUSSAIN
R/O VILL- GOBARDHANPARA,
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM

VERSUS

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

2:MOTIOR RAHMAN
S/O LATE MONTAZ ALI
VILL- GOBARDHANA
P.S. BILASIPARA

DIST. DHUBRI
ASSA

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 16-02-2024

- 1.** Heard Mr. S.C. Biswas, learned counsel for the petitioner.
- 2.** The petitioner, namely, Firajul Hoque has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 08.12.2023 in connection with Bilasipara P.S. Case No. 466/2023 under Section 363 IPC r/w Section 4 of POCSO Act.
- 3.** Heard Mr. B.B. Gogoi, learned Addl. PP, Assam and learned counsel Mr. S. Islam for the respondent No. 2.
- 4.** The learned Addl. PP and the learned counsel for respondent No. 2 has raised objection against the petitioner stating that the petitioner is alleged with a serious offence u/s 4 of the POCSO Act.
- 5.** I have perused the Case Dairy and I have considered the submissions at the Bar.
- 6.** It is admitted by learned counsel for the petitioner that the petitioner and the victim had a love relationship and the victim went with the petitioner but it is vehemently denied that the petitioner committed sexual assault on the victim.
- 7.** I have considered the submission that the petitioner has been behind bars for 68 days. Case Diary also reveals that investigation has progressed to a considerable extent. I have considered the age of the petitioner who was only 20 years old. The petitioner is also willing to abide by any bail petition imposed upon him and to co-operate with the trial.
- 8.** Considering all aspects, further custodial detention for the progress of investigation may not be required. Petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge, Bilasipara under the conditions that:-
 - i. The petitioner shall never go near the vicinity of the victim; and
 - ii. the petitioner shall not exercise threats to the witnesses.

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

Send back the Case Diary.

JUDGE

Comparing Assistant