

GAHC010018832024



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

Case No. : Bail Appln./297/2024

MD. RAMJAN ALI
SON OF LT. JAYNAL ABEDIN, RESIDENT OF VILL-6 NO. SIT SATRA
KONARA, P.S. BAGHBOR, DIST.- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY P.P., ASSAM

2:SD/ MD. SAIFUL ISLAM
S/O- LT. NURUL ISLAM
VILL- MOIDHALI PATHAR
PURA BAZAR
P.S. AND DIST.- MORIGAON
ASSA

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.02.2024

Heard Mr. B. Haldar, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State and Mr. B.

Bishaya, learned counsel for the respondent No.2.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Md. Ramjan Ali**, in connection with **POCSO Case No. 191/2022(arising out of Morigaon P.S. Case No. 0338/2022)**, registered under Section 366/376AB IPC r/w Section 6 of POCSO Act, pending before the court of learned Special Judge, POCSO, Morigaon, Assam.

3. The learned counsel for the accused/petitioner submits that there are contradictions in the statement of the witnesses and the victims. Nowhere, in the statement of the witnesses that the petitioner to be involved in any crime which falls under Section 6 of POCSO Act. He further submitted that the petitioner has been detained in custody for more than one year. It is also submitted that the release of the accused is required to prepare his defence in this case. Under such backdrop, learned counsel for the petitioner has prayed that considering the period of detention, bail may be granted to the petitioner.

4. On the other hand, Mr. Gogoi, learned Addl.P.P. has submitted that all the witnesses have already been examined in this case and the case is at the stage of recording the statement of the accused. At this stage, bail may not be granted to the petitioner.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of the LCR.

6. It reveals that all the witnesses have already been examined in this case. The trial is about to complete within a short period. Situated thus,

interference by this Court is not permissible at this stage. Therefore, prayer for bail is **rejected**.

7. The bail application stands disposed of.

JUDGE

Comparing Assistant