

GAHC010021372024



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

Case No. : Bail Appln./329/2024

ABUL KASIM
S/O- ABDUL MANNAN, P.O AND VILLAGE NIARGRAM P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM, PIN- 788713

VERSUS

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

2:BIMALA BORO
KHANAPARA KVK JANAPATHH/NO- 40 (B) GUWAHAT

Advocate for the Petitioner : MD. A H LASKAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

22.02.2024

Heard Mr. B. K. Mahajan, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Abdul Kasim**, in connection with **Dispur PS Case No. 74/2024** registered under **Sections 365/328/354-B/376-D/324/379**

of IPC read with Section 6 of POCSO Act.

It is submitted by the learned counsel for the petitioner that the petitioner is the Manager of a lodge namely, "Tip Top Lodge" at Hatigaon and as a manager he provided a room to the victim girl. Subsequently, on the next date at night police visited the lodge and arrested the present petitioner. Learned counsel for the petitioner submitted that the petitioner is no way connected with the offence as registered in the Case.

Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam has produced the case diary and stated that the petitioner is the manager of the said lodge and the matter of allegation of sexual assault and POCSO is not attracted against the petitioner.

As per the statement of the victim recorded under Section 164 Cr.P.C. she had implicated one, Ekramul Ali, who is the main accused who had already been arrested.

After considering the submissions made by the learned counsel for both the parties and also perusing the case diary, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Abdul Kasim**, in connection with **Dispur PS Case No. 74/2024 registered under Sections 365/328/354-B/376-D/324/379 of IPC read with Section 6 of POCSO Act**, on furnishing bail bond of **Rs.20,000/-** with one suitable surety of the like amount to the satisfaction of learned Special Judge, Kamrup(M).

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Kamrup(M), without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Return the case diary.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant