

GAHC010041812024



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

Case No. : Bail Appln./596/2024

HAYTON KHATUN @ HAITON KHATUN
W/O MONOWAR HUSSAIN
R/O VIL- KUTIRGHAT, P.S. MANKACHAR, DIST. SOUTH SALMARA
MANKACHAR, ASSAM

VERSUS

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

2:ROFIQUL ISLAM
S/O ABED ALI
R/O VILL- MAISHALDANGA
P.O. RADHAMADHABHAT
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM

PIN-78313

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.03.2024

Heard the learned counsel Mr. R. Islam appearing for the petitioner. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor representing the State of Assam.

2. This is an application under Section 439 of the CrPC filed by the petitioner Hayton Khatun @ Haiton Khatun praying for releasing her on bail after she was arrested in connection with Mankachar P.S. Case No.24/2024, registered under Sections 376(2)(n)/376(3)/317 of the Indian Penal Code read with Section 6 of POCSO Act, 2012.

3. A 16 year old girl gives birth to a female baby in a hospital. Before that, she was brought to the hospital by her aunt.

4. After delivery, the baby was sold to the present petitioner for the purpose of adoption.

5. The present petitioner did not have any child of her own. Therefore, she allegedly purchased the baby. The baby has been recovered.

6. I have considered the submissions made by the learned counsel of both sides in the light of the materials available on record as well as the case diary.

7. The petitioner has already spent 32 days in judicial custody. This

Court is of the opinion she does not deserve to be detained in custody any further period of time. Accordingly, the bail application is allowed.

8. The petitioner Hayton Khatun @ Haiton Khatun is allowed to go on bail in connection with Mankachar P.S. Case No.24/2024, registered under Sections 376(2)(n)/376(3)/317 of the Indian Penal Code read with Section 6 of POCSO Act, 2012 on furnishing bail bond of ₹25,000/- with one surety of like amount to the satisfaction of the learned Special Judge, South Salmara, Mankachar, Assam.

The bail application is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant