

GAHC010042502024



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

Case No. : Bail Appln./618/2024

TOFIJUL HOQUE
S/O ABDUL KAYUM, R/O- VILL- HARSEMARA, P.S.- CHAPAR,
DIST- DHUBRI, ASSAM,

VERSUS

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

2:MONOWAR HUSSAIN
S/O LATE MOZIBAR RAHMAN
R/O H/NO. 13
BIRINA PATH
P.S. HATIGAON
DIST. KAMRUP (M)
ASSAM
PIN-78103

Advocate for the Petitioner : MR M Z SHAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13-03-2024

Heard Mr. MZ Shah, learned counsel for the petitioner as well as Mr. BB Gogoi, learned APP for the State and Mr. S. Amin, learned counsel for the respondent no.2.

2. The petitioner, namely, Tofijul Hoque who was arrested on 21.01.2024 in connection with Hatigaon PS case no.10/2024 under sections 354(A) IPC read with section 8 of the POCSO Act is seeking regular bail by filing this application under section 439 Cr.P.C.

3. It is submitted by the learned counsel for the petitioner that the allegation against the present petitioner is that he had pulled the hand of the victim girl and took her inside the room and had embraced her. The learned counsel for the petitioner also submits that after lodging of the FIR the matter has been settled within the parties.

4. In view of the fact and considering the length of detention the petitioner may be enlarged on bail.

5. The learned APP submits that the case diary is not received and prays for some time.

6. The learned counsel for the respondent no.2 submits that he has no objection if bail is granted to the petitioner.

7. In view of the above, this Court is inclined to release the petitioner, named above, on bail on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand only) with one suitable surety of the like amount to the satisfaction of

the learned Special Judge, POCSO, Kamrup (Metro), Guwahati.

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

1. Shall not leave the territorial jurisdiction of learned Special Judge, POCSO, Kamrup (Metro), Guwahati without prior written permission from him/ her.
2. 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.

9. Bail application stands disposed of.

JUDGE

Comparing Assistant