

GAHC010050672024



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

Case No. : Bail Appln./709/2024

RAJIBUL ISLAM KHAN @ RAJIBUL ISLAM AND ANR
S/O MUSLEM KHAN, R/O VILL- SARIATPUR, P.S.-KALGACHIA, DIST-
BARPETA, ASSAM

2: JAHIDUL ISLAM
S/O HARMUJ ALI KHAN
R/O VILL- BARAPATHAR
P.S.-KALGACHIA
DIST-BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.03.2024

Heard Mr. F. Haque, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Rajibul Islam Khan @ Rajibul Islam and Jahidul Islam**, in connection with **Barpeta P.S. Case No. 30/2024**, registered under **Section 372/34 IPC r/w Section 4 of Immoral Trafficking (Prevention) Act, 1956**.

It has been submitted by the learned counsel for the petitioners that the petitioners were arrested on 26.01.2024 and since then they have been detained in jail hazot. In the meantime, they have completed mandatory period of 60 days in jail hazot and charge-sheet has not yet been submitted. Hence, the petitioners are entitled for default bail.

Mr. Gogoi, learned Additional Public Prosecutor for the State submits that the case diary has been received and the charge-sheet has not yet been submitted in this case. There is no any prayer by the investigating officer requiring extension of time for further detention of the petitioners.

I have considered the submissions made by the parties. I have perused the case diary.

As it appears that the petitioners have been detained in custody for more than 60 days and charge-sheet has not yet been submitted and there is no prayer by investigating officer requiring further detention of the petitioners, therefore, the petitioners are entitled to get default bail.

Accordingly, the petitioners, named above, shall be released on bail in connection with **Barpeta P.S. Case No. 30/2024**, registered under **Section 372/34 IPC r/w Section 4 of Immoral Trafficking (Prevention) Act, 1956**, on furnishing bail bond of **Rs.40,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned CJM, Barpeta, Assam.

The direction for bail is further subject to the conditions that the

petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Barpeta, Assam 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.

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

Send back the case diary.

JUDGE

Comparing Assistant