

GAHC010052282024



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

Case No. : Bail Appln./730/2024

RAJA ALI
S/O DAUD ALI
VILL- 2 NO. NIZARAPAR
P.O. AND P.S. NOONMATI
DIST. KAMRUP (M), ASSAM

VERSUS

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

2:NAJIMA BEGUM
W/O- RUBUL HUSSAIN
R/O- 2 NO. NIZARARPAR
(NEAR L.P SCHOOL)
P.O AND P.S- NOONMATI
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. M ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 19.04.2024

Heard Mr. M. Ali, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor.

This application under Section 439 of Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Raja Ali who has been detained behind the bars since 09.08.2023 (for last 254 days) in connection with Sessions Special Case No. 201/2023 corresponding to Noonmati P.S. Case No. 250/2023 pending before the court of learned Special Judge (POCSO), Kamrup (Metro), Guwahati. It appears that the charges against the present petitioner have been framed under Section 376 of the Indian Penal Code read with Section 4 of the POCSO Act, 2012 on 20.11.2023. It also appears that out of 11 listed witnesses, only two witnesses have been examined till date. However, both, the victim as well as the informant has been examined on 03.04.2024.

I have considered the submissions made by the learned counsel for both sides and have perused the scan copy of Sessions Special Case No. 201//2023 as well as the status report of the case submitted by the learned Special Judge (POCSO), Kamrup (Metro), Guwahati. It appears from records that that the petitioner has been detained behind the bars for last 254 days and it also appears that already the victim girl as well as the informant has been examined by the trial court.

Considering the above facts, further custodial detention of the present

petitioner may not be necessary for fair completion of the trial of Sessions Special Case No. 201/2023 if the petitioner abides by the conditions imposed on him and cooperates in his trial.

In view of the above, the petitioner, namely, Raja Ali is hereby allowed to go on bail of Rs.30,000/- with one surety of like amount subject to the satisfaction of the trial court with following conditions that :-

(i) The petitioner shall cooperate in his trial and shall regularly appear before the trial court as and when so required by the trial court.

(ii) The petitioner shall not directly or indirectly make any inducement or threat to the listed witnesses or any other person who may be acquainted with the facts of the case so as to dissuade those persons during the trial before the trial court.

With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant