

GAHC010055902024



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

Case No. : Bail Appln./781/2024

ROHMAT HUSSAIN @ AKMOL HUSSAIN
SON OF ABDUL HALIM, RESIDENT OF VILLAGE PACHIM JARUNI, P.S
DOBOKA, DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:SOMURUN NESSA
W/O MUSABBIR ALI
VILLAGE PACHIM JARUNI
PS DOBOKA DIST HOJAI ASSAM
PIN-78244

Advocate for the Petitioner : MD. A J ATIA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

27.05.2024

1. The present bail application is filed under Section 439 Cr.P.C. by the petitioner, namely, Rohmat Hussain @ Akmol Hussain, who is under custody pending trial in connection with Special (POCSO) No. 179(H)/2023 before the learned Special

Judge (POCSO), Hojai.

2. The aforesaid prosecution was launched on the basis of an FIR registered as Daboka PS case No. 141/2023 under Section 366/376 (3) IPC read with Section 9/4 of POCSO Act. After completion of the investigation, the Investigating Officer has already filed charge-sheet.
3. The statement of the victim was also recorded under Section 164 Cr.P.C. Perused the statements of the witnesses recorded under Section 161 Cr.P.C. as well as the statement of the victim recorded under Section 164 Cr.P.C.
4. The aforesaid materials are suggestive of fact that the victim and the petitioner had a love affair and on the insistence of petitioner, the victim eloped with him. She further stated that subsequently, the petitioner intimated her family members and accordingly her family members rescued her. The other witnesses also suggested that she was found in the Daboka Market. The medical evidence also suggests that there is no recent sexual intercourse and there is no injury report either in the body or private part of the victim.
5. Considering the material available on the record, this Court is of the opinion that the present application is deserved to be allowed.
6. Accordingly, it is directed that the applicant be released on bail on his furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of the learned Special Judge (POCSO), Hojai with the following conditions:

(I) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,

(II) The petitioner 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 them from disclosing such facts to the Court or to any police officer,

7. It is further provided that the learned Special Judge shall be at liberty to impose additional conditions. While parting with the record, it is made clear that the observation made in this bail application is only for the purpose of grant of bail and may not be treated as any comment on the merit of the case, either of the prosecution or of the defence.
8. Bail application stands disposed of.

JUDGE

Comparing Assistant