

GAHC010067062024



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

Case No. : Bail Appln./946/2024

MANIRU ZAMAN @ MONIRU JAMAN
S/O MOTIAR RAHMAN
PERMANENT RESIDENT OF VILL- PASURKHAL
P.S. BILASIPARA, DIST. DHUBRI,
PRESENT ADDRESS- HATIGAON MAJAR, C/O KURBAN HOUSE NO. 11,
P.S. HATIGAON, DIST. KAMRUP (M), ASSAM

VERSUS

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

2:SADDAM HUSSAIN
S/O AKBAR BEPARI
VILL- PUTHIMARI
P.S. LAKHIPUR
DIST. GOALPARA

PRESENT ADDRESS- HATIGAON MAJAR
C/O KURBAN HOUSE NO. 11

P.S. HATIGAON
DIST. KAMRUP (M)
ASSAM 78103

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 10.05.2024

Heard Mr. S.H.Sikdar, learned counsel for the petitioner as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr.S.K.Chetry, learned counsel for respondent No.2.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Maniru Zaman @ Moniru Jaman** has prayed for grant of bail in connection with **Hatigaon P.S. Case No.46/2024** under Section 376 of the IPC r/w Section 4 of POCSO Act.

The learned counsel for the petitioner submits that the petitioner is adjacent neighbour of the victim girl and she pressurised the petitioner to marry her. As the victim is a minor girl, he refused to marry her and as such a false FIR has been lodged against him. The petitioner is in judicial custody for 56 days and as such, considering length of detention, he may be released on bail.

The learned Addl.P.P. has produced the case diary and submits that the victim has implicated him. In the medical report, evidence of recent sexual intercourse is detected on her person.

Learned counsel for respondent No.2 submits that there is sufficient implicating materials in the FIR and as such, bail prayer of the petitioner may be rejected.

I have heard learned counsel for the parties and perused the case diary including the statement of victim u/s 164 CrPC from which it reveals that the victim is a minor aged about 15 years and she has implicated the accused petitioner by stating that he has committed sexual intercourse with her by applying force. Medical report also reveals that hymen of the victim was found at 6 o'clock, 3 o'clock and 9 o'clock position which implies some injuries on the private parts of the victim.

In view of the above facts and circumstances, bail application of the petitioner is rejected.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant