

GAHC010069812024



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

Case No. : Bail Appln./988/2024

MUKLASUR ROHMAN @ MAKLESUR RAHMAN
S/O LT. ABDUS SALAM SK. @ ABDUS SALAM, VILL- F EKAMARI PT. II,
P.O. FEKAMARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR,
ASSAM, PIN-783135

VERSUS

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

2:MIZANUR RAHMAN SK.
S/O ABDUR RAHMAN SK.
VILL- BOALIA PART-II
P.O. AND P.S. SUKCHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-78312

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 10.05.2024

Heard Mr. M.R.Khandakar, 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 Ms. M.Barman, learned counsel for respondent No.2.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Muklasur Rohman @ Maklesur Rahman** has prayed for grant of bail in connection with **Mankachar P.S. Case No.24/2024 (GR No.49/2024)** under Sections 376 (2) (n)/376 (3)/317 of the IPC r/w Section 6 of POCSO Act and added Section 120B/370 (4)/201 of the IPC.

The learned counsel for the petitioner submits that allegation against the petitioner is that he has acted as a middle man to hand over a child to a childless couple. The victim girl who is a minor gave birth to a child in the hospital and she was impregnated by another person. Other co-accused is also granted bail in connection with this case. The petitioner has been in judicial custody for 56 days and as such, considering length of detention, petitioner may be released on bail.

The learned Addl.P.P. has produced the case diary and submits that the allegation against the petitioner is that he has acted as middle man who handed over a child to a childless couple.

Learned counsel for respondent No.2 has no objection to the prayer of the petitioner.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that the petitioner is in judicial custody for 56 days today and as such, considering length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with one surety of like amount to the satisfaction of the learned **Special Judge, South Salmara, Mankachar**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, South Salmara, Mankachar** without prior written permission from

him/her;

- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That 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 him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant