

GAHC010070652024



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

Case No. : Bail Appln./1006/2024

AMINUL ISLAM
S/O LATE BOKKAR ALI
R/O VILL- NEWAJESPUR P.S. SUKCHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

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

2:BODIT ZAMAL
S/O LATE SURATULLA
R/O VILL- KHALISHAMARI
P.S. SUKCHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-78313

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : PP, ASSAM (R1)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 02.05.2024

Heard Mr. G. Uddin, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State; Mr. M.Z.

Rahman, learned counsel for the respondent No.2.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Aminul Islam**, in connection with **Sukchar P.S. Case No. 252/2023(GR No. 971/2023)**, under **Section 120(B)/376(3)/354(D)/313/34 IPC r/w Section 6 of POCSO Act, 2012.**

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody since 06.02.2024. It is also submitted that the main accused is the son of the petitioner who has committed the offence as alleged in the FIR. The petitioner is the father of the FIR named accused No. 1. It is further submitted that the petitioner is 87 years of old person and he is no way involved in the present case. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has produced the case diary and submitted that there is no such material found in the case diary against the petitioner. He further submits that at this stage, bail may be considered to the petitioner.

Mr. Rahman, learned counsel for the respondent No. 2 has fairly submitted that he has no objection if the petitioner is enlarged on bail.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the background of the case as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Sukchar P.S. Case No. 252/2023(GR No. 971/2023), under Section 120(B)/376(3)/354(D)/313/34 IPC r/w Section 6 of POCSO Act, 2012**, on furnishing bail bond of **Rs.50,000/- with one suitable surety** of the like amount to the satisfaction of learned Special Judge, South Salmara, Mankachar, Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (i) shall not leave the territorial jurisdiction of learned Special Judge, South Salmara, Mankachar, Assam, without prior written permission from him/her;
- (ii) 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.

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

JUDGE

Comparing Assistant