

GAHC010071902024



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

Case No. : Bail Appln./1073/2024

MD. ANJAR HUSSAIN/ALI @ ANSARUL
S/O INNAS ALI
R/O VILL- DABLU GAON
P.S. KAMPUR
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:Sahidul Islam
S/O- Hamed Ali
Resident of Autolabori
Ward No.5
P.S.- Lahorighat
Dist- Morigaon
Assam
Pin-78210

Advocate for the Petitioner : MR. P K SARMA, MS R SAHIN,MS. T SOM

Advocate for the Respondent : PP, ASSAM, MS. D GHOSH (R2),MS N DEKA (R2),MS H BETALA (R2),MR I CHAKMA (R2),MR. S. K. CHAKMA (R2)

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 16.08.2024

Heard Mr. PK Sarma, learned counsel for the petitioner and Mr. B.Sharma, learned Addl.P.P. for the State respondent No.1. Also heard Ms. D.Ghosh, learned counsel for the respondent No.2.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Md. Anjar Husain Ali @ Ansarul** has prayed for grant of bail in connection with POCSO Case No. 358/2023 (Lahorighat P.S. Case No.225/2023) under Section 376 (3) IPC r/w Section 6 of POCSO Act pending in the court of learned Special Judge (POCSO Act), Morigaon.

Learned counsel for the petitioner submits that in connection with the above case, out of 10 witnesses, 5 witnesses have already been examined by the learned trial court. The petitioner is behind judicial custody for last 1 year 4 months and 21 days since his arrest on 26.03.2023 and as such, considering length of detention, his prayer for bail may be considered.

Learned Addl.P.P. submits that out of 10 witnesses, 5 witnesses including the victim girl has already been examined and as such, length of detention may be considered.

Learned counsel for the respondent No.2 has prayed for some time to file objection in the case and has vehemently opposed in granting bail to the

petitioner as it is a case under Section 6 of POCSO Act.

Having heard learned counsel for the parties and on perusal of the case records including the evidence of witnesses recorded so far, it appears that that out of 10 witnesses, 5 witnesses including the victim girl have been already examined. Hence, this court, at this stage, considering the length of detention is inclined to grant bail to the petitioner.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Morigaon** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge (POCSO Act), Morigaon** without prior written permission from him/her;
- ii) That the petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and
- iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses.

It may be mentioned herein that the learned trial court may impose any other conditions at the time of releasing the petitioner on bail.

The observation made above, shall confine for the purpose of disposal of this bail application only and shall not in any way affect the proceeding of the

trial.

Violation of any condition shall tantamount to cancellation of bail.

The bail application stands disposed of.

JUDGE

Comparing Assistant