

GAHC010074272024



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

Case No. : Bail Appln./1134/2024

SOPIKUL ISLAM @ SOFIKUL ISLAM
S/O MOJIBAR RAHMAN
R/O VIL- DAUKIJHAR, P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
S/O MOJIBAR RAHMAN
R/O VILL- DAUKIJHAR, P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

2:ABDUL JALIL
S/O LATE MONSER ALI
R/O DAUKIJHAR P.S. AND DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.06.2024

1. Heard Ms. P. Adhikari, learned counsel for the petitioner. Also heard B.

B. Gogoi, learned Additional Public Prosecutor for the State.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sopikul Islam @ Sofikul Islam, who has been detained behind the bars since 19.03.2024, in connection with Bongaigaon P. S. Case No. 101/2024 under Section 457/376 of the Indian Penal Code, read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. The learned counsel for the petitioner has submitted that since the petitioner has already completed the statutory period of detention of 90 days behind the bars, he is entitled to get default bail under Section 167 clause 2 of the Code of Criminal Procedure, 1973.

4. The learned Additional Public Prosecutor also made no objection to the said submission made by the learned counsel for the petitioner.

5. I have perused the materials available on record from where it appears that the petitioner has been detained behind the bars since last 92 days in connection with Bongaigaon P. S. Case No. 101/2024. Hence, he is entitled to default statutory bail under Section 167 clause 2 of the Code of Criminal Procedure, 1973.

6. Accordingly, the above-named petitioner is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Special Judge, Bongaigaon subject to the following conditions:

- i. That the petitioner shall co-operate in the investigation.
- ii. That the petitioner shall not directly or indirectly make any

inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

- 7.** With above observation, this bail application is thereby disposed of.

JUDGE

Comparing Assistant