

GAHC010076742024



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

Case No. : Bail Appln./1095/2024

MD. SARFARAJ HUSSAIN
S/O LATE ANWAR HUSSAIN, RESIDEENT OF VILLAGE DANGTOLA BAZAR,
PS KAJALGAON, DIST CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

2:JAGANATH KUMAR DAS
RESIDENT OF VILLAGE NORTH WEST COLONY (DANGTOL) NEAR
HANUMAN MANDIR
PO
PS AND DIST BONGAIGAON
ASSA

Advocate for the Petitioner : MR. K BHATTACHARJEE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

20.05.2024

Heard Mr. K. Bhattacharjee, learned counsel for the petitioner. Also heard Mr. K. K. Parashar, learned Additional Public Prosecutor for the State.

This is an application made under Section 439 Cr. P.C. seeking bail by the accused/petitioner, namely, **Md. Sarfaraj Hussain**, who was arrested on 09.03.2023 in connection with Bongaigaon P.S. Case No. 88/2024 registered under Section 120B/302 of IPC read with Section 6 of POCSO Act.

It is alleged in the FIR that the minor daughter of the informant went missing from 06:30 PM on 05.03.2024 and accordingly, an FIR was lodged. In the aforesaid FIR, the petitioner was named as accused. Accordingly, Bongaigaon P.S. Case No. 85/2024 under Section 363 of IPC was registered.

Subsequently, on 08.03.2024, the dead body of the victim was recovered in a decomposed state from a jungle near New Bongaigaon Railway Market.

The case diary is received. Perused the same.

Perusal of the case diary, it is revealed that the petitioner has been interrogated by the investigating officer for as many as seven times. The investigating officer had also collected the post mortem report and it reveals that the body was in a decomposed state and therefore, the cause of the death could not be ascertained, however, some part of the body has been sent for forensic examination, report of which is now awaited. The I.O. has also recorded the statement of the independent witnesses.

The interrogation of the petitioner further reveals, he has duly cooperated with the investigation and thoroughly been interrogated by the investigating officer.

Considering the stage of investigation, the period of detention of the accused/petitioner and the material so far collected by the I.O. this Court is of the view that the further custody of the petitioner may not be necessary in this case.

Accordingly, it is directed that the petitioner, named above, be released on bail in connection with the case aforementioned, on his furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one surety of like amount to the satisfaction of

the learned Special Judge, POCSO, Bongaigaon, with the following conditions.

- (a) Shall not leave the territorial jurisdiction of learned Special Judge, POCSO, Bongaigaon, without prior written permission from him/her;
- (b) Shall not hamper with the investigation of the case and tamper with the evidence of the case;
- (c) 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 or to any police office.

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

JUDGE

Comparing Assistant