

GAHC010077402024



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

Case No. : Bail Appln./1131/2024

MD. MUHAMMAD NADEER @ NAHEED KHAN @ NADEER
S/O ABRAR AHMED,
PERMANENT RESIDENT OF AMROHA, MOHALLA DANISHMANDAN
AMROHA, UTTAR PRADESH-244245

VERSUS

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

2:ANJALI MONDOL
D/O UPENDRA RAI

R/O SIMALUGURI
RAILWAY COLONY
PS. SIMALUGURI
DIST. SIVASAGAR
ASSAM
PIN-78568

Advocate for the Petitioner : MR. P DUTTA, MR. K KALITA, MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM, MR. SURAJIT DAS, AMICUS CURIAE

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.07.2024

1. Heard learned counsel Mr. P. Dutta for the petitioner Md. Muhammad Nadeer @ Naheed Khan @ Nadeer.
2. The petitioner has filed this application under Section 439 of the Cr. PC with prayer for bail as he is behind bars for 311 days in connection with Special Pocso Case No. 73/2023 arising out of Simaluguri P. S. Case No. 26/2023 under Sections 376(3)/506 of the IPC read with Section 6 of the Pocso Act.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State and learned counsel Mr. S. Das for the respondent No. 2.
4. The allegation against the petitioner is that he committed sexual assault on the minor victim. It is submitted on behalf of the petitioner that the statements of the victim, her mother and her sister have already been recorded. There is no scope that the petitioner may influence the other witnesses. Petitioner has prayed for bail on the length of detention. It is submitted that the trial has been procrastinated causing infringement on the right to personal liberty of the petitioner.
5. The Learned Additional Public Prosecutor and the learned counsel for the informant have raised objection against the submission of the petitioner.
6. It is submitted that the victim and her parents have implicated the petitioner.
7. I have considered the submissions at the Bar with circumspection.
8. I have also scrutinized the Trial Court Records and the deposition of the witnesses.
9. I have considered the length of detention of the petitioner. I have also considered that the statements of the victim as well as the other witnesses have

already been recorded.

10. The petitioner has pledged to abide by any stringent conditions if imposed upon him and co-operate with the trial.

11. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with two local sureties of like amount to the satisfaction of the learned Trial Court.

12. The learned Trial Court may impose conditions to secure the appearance of the petitioner during the trial.

JUDGE

Comparing Assistant