

GAHC010077812024



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

Case No. : Bail Appln./1132/2024

MD. JULMAT HUSSAIN @ JULMAT ALI
S/O MD. INSAN ALI
R/O KUPATIMARI
P.S. BHURAGAON
DIST. MORIGAON, ASSAM

VERSUS

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

2:MUSST. AJIDA KHATUN
D/O MD. JALAL UDDIN
R/O KUPATIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSA

Advocate for the Petitioner : MR. A AHMED, MR A AHMED, MR. I U CHOWDHURY
Advocate for the Respondent : PP, ASSAM, MR SARFRAZ NAWAZ (AMICUS CURIAE R2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

12.08.2024

Heard Mr. A. Ahmed, learned counsel appearing for the accused petitioner. Also heard Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent No. 1 and Mr. S. Nawaz, learned Amicus Curiae appearing for respondent No.2.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Md. Julmat Hussain @ Julmat Ali**, has prayed for grant of bail in connection with **POCSO Case No.289/2023** arising out of **Bhuragaon PS Case No. 100/2023** under Sections **376(3) of IPC R/W Section 6 of POCSO Act** pending before the learned Special Judge (POCSO), Morigaon.

It is submitted by the learned counsel for the petitioner that the petitioner has been languishing in judicial custody for last 352 days since his arrest on 27.08.2023. The victim has already been examined and the other witnesses are not turning up on the date fixed. So, considering the length of detention, bail may be granted to the petitioner.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has submitted that as the victim has already been examined, the length of detention may be considered

Learned counsel for the respondent No.2 also argued on the same length as the victim was examined before the trial court, length of detention may be considered as the other witnesses are not turning up.

I have considered the submission of the learned counsel for the parties. I have also perused the trial court record.

In view of the above as well as considering the length of detention, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Special Judge (POCSO), Morigaon**.

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

- (a) Shall not leave the territorial jurisdiction of the learned trial court without prior written permission from him/her till disposal of the case.

- (b) Shall appear before the trial court on each and every date fixed for hearing.

The Special Judge (POCSO), Morigaon, is at liberty to impose any other condition(s) as it deems fit and proper at the time of releasing the accused/petitioner on bail to procure his attendance during trial.

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.

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

JUDGE

Comparing Assistant