

GAHC010088152024



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

Case No. : Bail Appln./1313/2024

JABED ALI
S/O-ACHMAT ALI @ ASMAT ALI @ HASMOT ALI, VILLAGE-HABBLAKHA,
P.S. HAJO, DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K H SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.06.2024

Heard Mr. K.H. Saikia, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Jabed Ali**, in connection with **Hajo P.S.**

Case No. 128/2024, registered under **Section 368 IPC r/w 9/10 of Prohibition of Child Marriage Act.**

It is submitted by the learned counsel for the petitioner that under compelling circumstances, the petitioner got married to the victim girl. It is also submitted that three times, the victim girl came out from her house and stayed in the house of the petitioner as they had love affairs since long. It is further submitted that the petitioner has been detained in custody for last 41 days since his arrest on 19.04.2024. The investigation has already been completed and under the provision of Child Marriage Act, the punishment is only three years. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and submitted that the victim is a minor girl and she has implicated the accused/petitioner. It is also submitted that the accused had taken away the victim against her will from the custody of her parents and subsequently, marriage was held between them against her(victim) will. However, it is also submitted that they had love affairs and substantial part of investigation has already been completed.

I have considered the submission of learned counsel for the parties. I have also perused the case diary.

From the statement of the victim recorded under Section 164 Cr.P.C., it reveals that the petitioner has relationship with the victim girl. It is an admitted fact that the victim girl refused to do any medical examination.

In view of the above and 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 in connection with **Hajo P.S. Case No. 128/2024**, registered under **Section 368 IPC r/w 9/10 of Prohibition of Child Marriage Act**, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned JMFC, Hajo, Kamrup, Assam.

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned JMFC, Hajo, Kamrup, Assam without prior written permission from him/her;

(b) 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 officer.

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

Send back the case dairy.

JUDGE

Comparing Assistant