

GAHC010088922024



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

Case No. : Bail Appln./1310/2024

SADDAM HUSSAIN
S/O SAMSER ALI
VILL- BALIKURI NC,
P.S. KALGACHIA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. H ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.05.2024

Heard Mr. I.A. Hazarika, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is the second bail application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Saddam Hussain**, in

connection with **Jalukbari P.S. Case No. 122/2024**, registered under Section **120B/370A(2)/34 of IPC r/w Section 3 of Immoral Traffic Prevention Act, 1956 added Section 370 A (1)/109/376 IPC.**

It has been submitted by the learned counsel for the accused-petitioner that the petitioner has been languishing in jail hazot for last 82 days since his arrest on 07.03.2024. There is no allegation against the petitioner that he had committed any offence for which the provision of Section 376 IPC is attracted. The other offences as alleged against the petitioner, the mandatory period of detention is 60 days. It is also submitted that the petitioner is the tenant in the house of Mirajal Hussain wherein it is alleged that illegal sex racket was conducted. It is further submitted that Mirajul Hussain who is the owner of the said house has already granted bail and the other co-accused has also granted bail. Considering the length of detention, petitioner may be enlarged on bail.

In response, Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary and submitted that the investigating officer has added Sections 6/17 of POCSO Act in connection with this case. However, it is also submitted that the Section 6 of POCSO Act is not attracted against the petitioner. However, the petitioner may be prosecuted with the aid of Section 17 of POCSO Act. Accordingly, learned Additional Public Prosecutor prays for dismissal of bail application.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Though POCSO is added in this case but it is to be noted that no any guardian of the victim girls made any allegation against the petitioner to indulge in the offence as alleged in the house of Mirajul Hussain. Considering the length of detention, this Court is of the view that further custodial interrogation of the

accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Jalukbari P.S. Case No. 122/2024**, registered under Section **120B/370A(2)/34 of IPC r/w Section 3 of Immoral Traffic Prevention Act, 1956 added Section 370 A (1)/109/376 IPC**, on furnishing bail bond of **Rs.50,000/-** with two suitable sureties of the like amount to the satisfaction of learned CJM, Kamrup(M), Guwahati, Assam.

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

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

(b) shall not hamper with the investigation, or 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 officer.

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

Send back the case diary.

JUDGE

Comparing Assistant