

GAHC010096062024



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

Case No. : Bail Appln./1379/2024

JUBBAR ALI
S/O KABEJ ALI,
RESIDENT OF VILLAGE JHALERALGA PART I, PS GAURIPUR, DIST
DHUBRI, ASSAM 783331.

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

2:Rahul Amin Mollah
S/O- Lt. Momirul Islam Mollah
Vill- Jhaleralga Pt.I
P.S.- Gauripur
Dist-Dhubri (Assam)
Pin- 78333

Advocate for the Petitioner : MD H R AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

03.06.2024

Heard Md. HR Ahmed, learned counsel for the petitioner. Also heard Mr. B Sarma, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, Jubbar Ali, who was arrested on 19.03.2024 in connection with Gauripur PS case No. 81/2024 under Section 365 IPC added Section 376(3) IPC read with Section 4 of the POCSO Act.

Case diary is produced and perused the same.

Perusal of the case diary reflects that the statement of victim under Section 164 Cr.P.C. has been recorded. Her statement under Section 161 Cr.P.C. has also been recorded and the investigating officer has almost completed the investigation. The petitioner was arrested on 19.03.2024 and thus he is in custody for last 79 days.

Considering the stage of investigation and period of detention, this Court is of the opinion that no further custodial interrogation/detention of the petitioner is required. Accordingly, the present application is allowed.

It is directed that the applicant be released on bail on his furnishing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety of the like amount to the satisfaction of the learned Special Judge (POCSO), Dhubri with the following conditions.

- (1) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- (2) The petitioner shall not repeat similar offence in future;
- (3) The petitioner 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 them from disclosing such facts to the Court or to any police officer,
- (4) The petitioner shall appear before the I/O on each and every date as and when called for.

Bail application stands disposed of.

JUDGE

Comparing Assistant