

GAHC010101352024



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

Case No. : Bail Appln./1460/2024

AKHIR HUSSAIN @ AKIR HUSSAIN
S/O SAHADAT ALI @ SAHAJAD ALI,
RESIDENT OF VILLAGE BANGALIPARA PART I, PS BILASIPARA, DIST
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:JAKIR HUSSAIN
S/O LATE BABUR ALI

RESIDENT OF VILLAGE BANGALIPARA PART II
PS BILASIPARA
DIST DHUBRI
ASSA

Advocate for the Petitioner : MS. S PHUKAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

27.06.2024

- 1.** Heard Mr. S. Rahman, learned counsel for the petitioner and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent as well as Mr. A. Basumatary, learned counsel for the respondent No. 2.
- 2.** The learned counsel for the petitioner has submitted that the petitioner was arrested on 30.03.2024 in connection with Bilasipara Police Station Case No.74/2024, corresponding to G.R. Case No. 134/2024, for an offence, which relates to have been committed under Section 376(1) of the Indian Penal Code, read with Section 6 of the POCSO Act, 2012, read with Section 67(B) of I.T. Act, 2000.
- 3.** The learned Additional Public Prosecutor submits that the investigation is almost complete.
- 4.** On the other hand, learned counsel for the petitioner submits that considering the fact that the maximum statutory period of detention for the offence alleged against the petitioner is 90 days and today, the petitioner will be completing 90 days of detention, he may be allowed to go on bail.
- 5.** Though the petitioner has been detained behind the bars for last 90 days, however, Mr. A. Basumatary, learned counsel for the respondent No. 2 has opposed the grant of bail to the present petitioner.
- 6.** I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record, including the case diary of Bilasipara Police Station Case No.74/2024. As from record

available, it appears that the petitioner has been detained behind the bars for last 90 days.

7. Hence, considering the period of detention undergone by the petitioner, he is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bilasipara (M), Dhubri subject to the following conditions:

(i) The petitioner shall co-operate in his trial and appear before the Trial Court regularly as and when so directed by the Trial Court; and

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any of the listed witnesses or any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Trial Court.

8. With the above observations, this bail application is hereby disposed of.

9. Send back the case diary.

JUDGE

Comparing Assistant