

GAHC010103112024



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

Case No. : Bail Appln./1530/2024

MANIRU ZAMAN @ MOIRU JAMAN
S/O MOTIAR RAHMAN
PERMANENT RESIDENT OF VILL- PASURKHAL
P.S. BILASIPARA, DIST. DHUBRI,
PRESENT ADDRESS- HATIGAON MAJAR, C/O KURBAN, HOUSE NO. 11, P.S.
HATIGAON, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:SADDAM HUSSAIN
S/O AKBAR BEPARI
VILL- PUTHIMARI
P.S. LAKHIPUR
DIST. GOALPARA
PRESENT ADDRESS- HATIGAON MAJAR

DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR S H SIKDAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

13.06.2024

Heard Mr. S. H. Sikdar, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Maniru Zaman @ Moniru Jaman**, has prayed for grant of bail in connection with **Hatigaon P.S. Case No.46/2024** under Sections **376 IPC R/W Section 4 of POCSO Act**.

It is submitted by the learned counsel for the petitioner that the accused petitioner has completed the mandatory period of 90 days in judicial custody and charge-sheet has not yet been submitted. Leaned counsel for the petitioner has prayed for default bail.

Mr. R. J. Baruah, learned Additional Public Prosecutor has submitted that investigation is still pending as charge-sheet has not yet been submitted. However, he has made objection in granting bail to the petitioner.

In view of the submission of learned counsel for both the parties and 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 petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Kamrup(M), Guwahati**.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge, Kamrup (M), Guwahati 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.

JUDGE

Comparing Assistant