

GAHC010106892024



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

Case No. : Bail Appln./1538/2024

RAKIBUL HOQUE @ RAKHIBUL ISLAM

S/O EYANUDDIN SK.

VILL- BARSHI PT.I

P.S. BILASIPARA

DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.

REP. BY THE PP, ASSAM

2:JOHURUL HOQUE

S/OLT. ANUDDIN SK.

VILL- BARSHI PT.I

P.S. BILASIPARA

DSIT. DHUBRI

ASSA

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 15.07.2024

Heard Mr. R.A. Ahmed, learned counsel for the petitioner and Mr. K.K. Parasar, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Rakibul Hoque @ Rakhibul Islam** praying for regular bail, who was arrested on 14.04.2024 in connection with Bilasipara P.S. Case No. 91/2024 under Sections 376(D) IPC read with Section 6 of the POCSO Act.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody since 14.04.2024 for last 93 days and hence considering the length of detention, the petitioner may be enlarged on bail.

In this context, the learned Additional Public Prosecutor has submitted that he has made an enquiry in the case diary and found that the I.O. has not submitted charge sheet even after the lapse of statutory period of detention.

In view of the above and considering the period of detention and considering the fact that the I.O. has not submitted charge sheet against the accused/ petitioner even after completion of statutory period, it is directed that the accused/ petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Addl. Sessions Judge, Bilasipara in connection with the aforementioned case.

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

- (a) shall not leave the territorial jurisdiction of the learned Addl. Sessions Judge, Bilasipara, without prior written permission from him/ her;
- (b) shall not hamper in the investigation of the case and tamper with the evidence of the case; and
- (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