

GAHC010108002024



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

Case No. : Bail Appln./1577/2024

JAHIDUR RAHMAN
S/O MAHAR UDDIN
R/O VILL- BALADOBA PART-2,
P.S. DHUBRI
DIST. DHUBRI, ASSAM

VERSUS

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

2:RABEYA BIBI
W/O JAHIDUR RAHMAN
VILL- BALADOBA PART-2

P.S. DHUBRI
DIST. DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 19.07.2024

Heard Mr. H.R.A. Choudhury, learned senior counsel, assisted by Mr. A.M. Khan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent, and Mr. D.K. Agarwala, learned counsel for the respondent no.2/informant.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot in connection with Dhubri P.S. Case No. 143/2024, under Sections 365/376/506/34 IPC, read with Section 4 of the POCSO Act.

3. Case diary is received. Perused the same.

4. It is submitted by Mr. Choudhury that the present petitioner is no way connected with the alleged offence. However, because of some false allegation, he is behind the bars for last 81 days and considering the length of detention, he may be enlarged on bail. Further, he has submitted that the informant wanted to give marriage to her daughter with the accused/petitioner and as the family members of the accused/petitioner refused the marriage, on false and fabricated ground, they had lodged the FIR against the accused/petitioner. He is still ready and willing to co-operate the I.O. in the further investigation of the case if he is enlarged on bail.

5. Mr. Das, learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials available in the case diary as well as in the

statement of the victim recorded under Section 164 Cr.P.C. and accordingly, he has objected to the prayer for bail.

6. Mr. Agarwala, learned counsel appearing on behalf of the respondent no.2/informant has raised objection and submitted that the accused/petitioner may hamper and temper with the witnesses of the case if the accused/petitioner is released on bail at this stage.

7. Considering the submissions made by the learned counsels of both sides and also considering the materials available in the case diary viz. a viz. the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in custody and accordingly, I find that further custodial interrogation of the accused/petitioner is not necessary here in this case.

8. Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge (POCSO), Dhubri, the accused/petitioner, namely, Jahidur Rahman, be enlarged on bail, subject to the following conditions:

- I. that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- II. that 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 him from disclosing such facts to

the Court or to any police officer; and

III. that the petitioner shall not leave the jurisdiction of the learned Special Judge (POCSO), Dhubri, without prior permission.

9. In terms of above, this bail application stands disposed of.
10. Case Diary be returned.

JUDGE

Comparing Assistant