

GAHC010110302024



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

Case No. : Bail Appln./1668/2024

MD. RAJU ALI @ RONGA LAU
S/O IBRAHIM ALI
R/O BARAKHIBANDHA, P.S. LAHORIGHAT,
DIST. MORIGAON, ASSAM

VERSUS

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

2:RUMI BEGUM
W/O SAMSUL ALI

R/O SHAH NAGAR
GREEN PATH
P.S. HATIGAON
IN THE DISTRICT OF KAMRUP (METRO)
ASSA

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

25.06.2024

Heard Mr. D Medhi, learned counsel for the petitioner. Also heard Mr. MP Goswami, learned Additional Public Prosecutor, Assam.

Mr. MP Goswami, learned Additional Public Prosecutor submits that service upon the respondent No. 2 has been affected.

This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, Md. Raju Ali @ Ronga Lau in connection with Dispur PS case No. 262/2024 under Section 328/376 IPC read with Section 4/8 of POCSO Act.

In the FIR, it is alleged that the present accused, namely, Enamul Ali had committed rape upon the minor daughter of the informant. It is further alleged that the minor daughter of the informant was taken in an Innova Vehicle and the accused person offered her some substance for which she became unconscious and thereafter she was raped.

Case diary is produced and perused the same. Also perused the statement of the victim recorded under Section 164 Cr.P.C.

The materials so far collected including the statement of the witnesses, suggests that the allegation is not of rape but it is the case of the victim that the victim felt that the accused, namely, Enamul Ali touched her arm and legs. The material so far collected is also suggestive of the fact that the accused along with other boys and girls went for ride on the date of holi festival and they were under intoxication. It is seen that the petitioner was in custody since 27.03.2024 and completed 90 days in custody. However, no charge-sheet has been filed as yet.

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), Kamurp (M) 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