

GAHC010115522024



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

Case No. : AB/1518/2024

RAJIBUL ISLAM
S/O MONSER ALI, R/O VILL- KAWATIKA, P.S.-BIJNI, DIST- CHIRANG, BTAD,
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ALI AKBAR
S/O SHIRAJ ALI
VILL- CHAPARKATA PART.2
P.S. AND DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM, N. UDDIN (R-2),MR. M I HUSSAIN (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

14.08.2024

1. Heard learned counsel Mr. M. Khan for the petitioner Rajibul Islam; learned counsel Mr. M. I. Hussain for the informant and learned Additional Public

Prosecutor, Mr. R. R. Kaushik, Assam for the respondent State.

2. The petitioner has filed this application under Section 438 of the Cr.PC with prayer for pre-arrest bail as he is apprehending arrest in connection with Bongaigaon Police Station Case No. 164/2024 under Section 365/376 of the IPC read with Section 4 of the POCSO Act.

3. The allegation against the petitioner is that he kidnapped the minor victim 'X'. It is submitted on behalf of the petitioner that the petitioner and the victim had a love relationship and the victim on her own volition came to the petitioner's house but the petitioner's family members sent her to the Gaonburah's house and on the advice of the Gaonburah, an FIR was lodged. The learned counsel for the informant has raised serious objection against the petitioner stating that the petitioner belongs to an influential family and they had threatened the victim and her family members and there is every possibility that the other witnesses may have been influenced by the petitioner's affluent family.

4. I have scrutinized the Case Diary. The merits of the case are not brought to the fore as this case is still under investigation. However, the Case Diary reveals that investigation may have presumably progressed to a considerable extent.

5. The statement of the victim under Section 164 of the Cr.PC has been recorded and the statements of the other witnesses have also been recorded.

6. I have considered the submission that the petitioner is willing to co-operate with the investigation and to abide by nay stringent bail condition, if imposed upon him. I have also considered that the petitioner is a young lad aged only 19 years.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority till the next date, under the conditions that:

(i) The petitioner shall not go anywhere near the vicinity of the victim, and

(ii) The petitioner shall appear before the Investigating Officer within 1 week and co-operate with the investigation.

On breach of any of the bail conditions, bail order shall automatically stand cancelled.

8. Send back the Case Diary.

JUDGE

Comparing Assistant