

GAHC010117912024



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

Case No. : Bail Appln./1705/2024

SEJAK @ SHEJAK ALI
S/O SAIDUR RAHMAN
R/O VILL- 3 NO. BHANDARA
P.O. BHANDARA BAZAR,
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

VERSUS

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

2:AJIRAN BEGUM
R/O UDAYAN NAGAR
KONADHORA
KHANAPARA
P.S. BASISTHA
DIST. KAMRUP (M)
ASSAM
PHONE NO. 98743961

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

15.07.2024

Heard Mr. M. I. Hussain, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This application filed 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 since 27.04.2024 in connection with Basistha P.S. Case No.80/2024 registered under Sections 368 of IPC *read with* Section 67-B of IT Act, and added Section 376 of IPC and Section 4 of POCSO Act.

The Case Diary has been received and I have perused the same.

It is submitted by Mr. Hussain, learned counsel for the petitioner that the accused/petitioner is innocent. The petitioner admitted the fact that there was a love affair between the accused/petitioner and the victim girl and thereafter, the FIR was lodged by the mother of the victim only to put pressure on the petitioner due to the apprehension that the accused/petitioner may not marry the victim girl after 1 (one) year. More so, and the petitioner is behind the bar for last 80 days and accordingly, considering the length of detention undergone by the accused/petitioner, he may be enlarged on bail as the I.O. has got sufficient time for his custodial interrogation and the petitioner is still ready and willing to co-operate with the I. O. in further investigating of the case, if the same is granted.

In this context, Mr. Parasar, learned Additional Public Prosecutor has submitted that, from the Case Diary, it is seen that the victim girl refused for medical examination and thus, considering the length of detention already undergone by the accused/petitioner, he raised no objection on the prayer made by the learned counsel for the petitioner.

Considering the submissions of learned counsels for both sides, I have perused the Case Diary especially the statement of the victim recorded under Section 164 of Cr.P.C. and also considering 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 the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

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, Kamrup (M), Guwahati, the accused/petitioner, namely Sejak @ Shejak Ali, 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, Kamrup (M), Guwahati, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant