

GAHC010122622024



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

Case No. : Bail Appln./1783/2024

AKTAR HUSSAIN @ AKHTAR HUSSAIN AND ANR
S/O JAMAL UDDIN
PERMANENT RESIDENT OF VILL- JHAGRARP PAR PART-I,
P.S. DHUBRI, ASSAM,
PIN-783339

2: JALIMUDDIN SHEIKH
S/O MADHU SHEIKH
PERMANENT RESIDENT OF VILL- ALOMGANJ PART NO. VI
P.O. ALOMGANJ
P.S. GOURIPUR
DIST. DHUBRI
ASSAM
PIN-78333

VERSUS

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

2:SHARBANU BIBI
W/O ASEN ALI SK.
VILL ALAMGANJ PART-6

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

Advocate for the Petitioner : MR. SURAJIT DAS, MR. J ABBAS,MR S A BARBHUYAN,MR SARFRAZ NAWAZ,MR A W AMAN

Advocate for the Respondent : PP, ASSAM, MD M ISLAM (r-2),M. HOSSAIN (r-2)

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 07.08.2024

Heard Mr. S.Das, learned counsel for the petitioners as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Aktar Hussain @ Akhtar Hussain and 2. Jalimuddin Sheikh** have prayed for grant of bail in connection with **Gauripur P.S. Case No.13/2024** under Sections 120B/365/354A of the IPC r/w Section 8 of POCSO Act.

The learned counsel for the petitioners submits that the petitioners have been languishing in judicial custody for last 75 days since they were arrested on 24.05.2024. Charge sheet has been submitted. The petitioners are the local persons and as such, considering the length of detention, the petitioners may be enlarged on bail.

The learned Addl.P.P. has raised objection against the prayer of the petitioners as charge sheet has been submitted against the petitioners and charge is yet to be framed.

The learned counsel for the respondent No. 2 does not object to the prayer of the petitioners and submits that there was some misunderstanding between the parties.

Having heard the learned counsel for the parties and on perusal of the scanned copy of case records, including the statement of the victim recorded under Section 164 CrPC, wherein she stated that the petitioner No.1 tried to remove her clothes and petitioner No. 2 instead of taking her to school took her to the

house of petitioner No. 1. According to learned counsel for the petitioners, there is a land dispute between the parties and as such, FIR had been lodged against the petitioners. Be that as it may, it appears that the petitioners are in judicial custody for last 75 days and as such, considering the length of detention, further custodial detention of the petitioners is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with two sureties each of the like amount to the satisfaction of the learned **Special Judge, Dhubri**, subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge, Dhubri** without prior written permission from him/her;
- (ii) That the petitioners 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant