

GAHC010125902024



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

Case No. : Bail Appln./1845/2024

KHAIRUL ISLAM AND 2 ORS.
S/O BADHSAH ALI @ RAHIM BADSHA
VILL- PIKNAPARA
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM

2: AZIM UDDIN TALUKDAR @ AZIMUDDIN ALI
S/O ABDUL KASEM
VILL- DUMURIA PART-III
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM

3: SORHAB ALI @ MINTU
S/O ABDUL REZZAK
VILL- BEHULAPARA
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSA

VERSUS

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

2: SAHER ALI
S/O SHARIF UDDIN
R/O VILL- KAHIBARI PART-I
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 18.07.2024

Heard Mr. M.I. Hussain, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **Khairul Islam, Azim Uddin Talukdar @ Azimuddin Ali and Sorhab Ali @ Mintu** have prayed for bail in connection with **Abhayapuri PS Case No. 133/2024** under Sections 120(B)/341/294/325/307/354/354(A)/354(B) IPC r/w 75 of J.J. Act and r/w Section 8/12 of POCSO Act, 2012.

It is submitted by the learned counsel for the petitioners that the petitioners have been detained in custody for last 56 days since their arrest on 24.05.2024. It is also submitted that the petitioners neither assaulted the sister of the informant or her boyfriend nor they took any video of the alleged incident, rather they tried to control the situation which appears from the video footage. On the date of the incident, while the victim and her boyfriend went to Lungai Pahar, some of the boys came to the spot and assaulted them. Considering the background of the case as well as the length of detention, petitioners may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary including the statement of the victim recorded under Section 164 Cr.P.C. and submits that the victim did not say anything regarding the involvement of the present petitioners. However, substantial part of investigation has already been completed.

I have considered the submission of learned counsel for the parties. I have also perused the case diary.

As per statement of the victim, it appears that on the date of the incident, she and her friend went to nearby spot where some boys assaulted them for which she became unconscious. The victim did not say anything in her statement that the present petitioners are involved in the alleged incident.

In view of the above and considering the length of detention, this Court is inclined to grant bail to the petitioners.

Accordingly, the petitioners, named above, shall be released on bail in connection with **Abhayapuri PS Case No. 133/2024** under Sections 120(B)/341/294/325/307/354/354(A)/354(B) IPC r/w 75 of J.J. Act and r/w Section 8/12 of POCSO Act, 2012, on furnishing bail bond of **Rs.20,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned Special Judge, North Salmara, Abhayapuri, Assam.

The direction for bail is further subject to the conditions that the petitioners:

- (a) shall not leave the territorial jurisdiction of learned Special Judge, North Salmara, Abhayapuri, Assam without prior written permission from him/her;
- (b) 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;
- (c) shall not hamper with the investigation, or tamper with the evidence of the case.

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

Send back the case diary.

JUDGE

Comparing Assistant