

GAHC010126722024



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

Case No. : Bail Appln./1852/2024

HIBJUR RAHMAN
S/O JAMAL UDDIN
VILL- 1 NO. KACHUTALI
P.S. SONAPUR
DIST. KAMRUP (M), ASSAM

VERSUS

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

2:MOHAR ALI
S/O LT. ABDUL SHEIKH
VILL- 1 NO.KACHUTALI
P.S. SONAPUR
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR M AHMED, MRS R BEGUM, MR R A AHMED

Advocate for the Respondent : PP, ASSAM, MR. S UDDIN (R-2), MR A ALAM (R-2)

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.08.2024

Heard Mr R A Ahmed, learned counsel for the petitioner, Hibjur Rahman, who has

filed this application under Section 439 of the CrPC, with prayer for bail as he is behind bars since 19.05.2024, in connection with Sonapur PS Case No. 94/2024, under Sections 376/366/313/506 of the Indian Penal Code, 1860, read with Section 6 of the POCSO Act.

2. The name of the learned counsel for the respondent No. 2 is shown in the Cause List.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

4. The allegation against the petitioner is that the petitioner kidnapped the 14-year-old victim and committed sexual assault on her.

5. It is submitted that the petitioner is behind bars for 95 days and charge sheet has not yet been submitted.

6. Considering the length of detention, petition is allowed. The petitioner is enlarged on bail of Rs 50,000/- (Rupees Fifty Thousand), with a suitable surety of the like amount to the satisfaction of the learned Special Judge (POCSO), Kamrup (Metro), under the conditions that:

- (i) the petitioner shall cooperate with the remaining part of the investigation,
- ii) the petitioner shall not exercise threats to the witnesses, and
- iii) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

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

7. Bail Application stands disposed of.

JUDGE

Comparing Assistant