

GAHC010127432024



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

**Case No. : Bail Appln./1882/2024**

MOHIR UDDIN  
S/O MUSLEMUDDIN @ MUSLEM UDDIN  
R/O VILL- KHORAGAON  
P.S. JOGIGHOPA  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR A K AZAD**

**Advocate for the Respondent : PP, ASSAM**

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

**ORDER**

**Date : 16.07.2024**

Heard Mr. A.K. Azad, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 439 of the Cr.P.C. for granting bail to the petitioner, namely, Mohir Uddin who was arrested on 30.05.2024 in Connection with Mererchar P.S. Case No. 29/2024 registered under Section 365 of the IPC.

The C.D. has been received.

I have perused the same.

It is submitted by Mr. A.K. Azad, the learned counsel for the petitioner that the victim and the petitioner were in love. But he has not committed any such offence as alleged in the FIR. Further, it was a fact that the petitioner proposed to marry the victim girl. It is also stated that the petitioner is behind the bar since the last 48 days and hence considering the length of detention he may be enlarged on bail.

In this context Mr. P. Borthakur, learned Addl. P.P. appearing for the State respondent submitted that the victim was admittedly a minor at the time of the incident when the case was registered under Section 365 I.P.C.. Subsequently, Section 6 of the POCSO Act was added on the prayer of the Investigating Officer. However, the statement of the victim girl has been recorded by the Magistrate under Section 164 Cr.P.C. and considering the materials in the case diary, prayer of bail may be considered.

Considering submissions made by the learned counsel for the petitioner and without going through the merit of the case, it is seen that the Investigating Officer got sufficient opportunity to interrogate the accused as the petitioner is behind the bars since 30.05.2024.

Considering the submissions made by the learned counsel for both the sides and the length of detention of the petitioner, I find it proper to allow the petitioner to go on bail.

Accordingly, it is provided that the accused petitioner, named above, be enlarged on bail, on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned Spl. Judge, North Salmara, Abhayapuri subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
2. 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
3. that the petitioner shall not hamper in the investigation of the case and tamper with evidence of the case;

Return the Case diary.

The bail application is disposed of.

**JUDGE**

**Comparing Assistant**