

GAHC010141402024



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

Case No. : Bail Appln./2064/2024

MD. ALAL UDDION @ ALAL UDDIN
S/O AMIR HUSSAIN, R/O VILL- PUB KALADUBA, P.S.-JURIA, DIST-
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ABUL KALAM
S/O LATE ABDUL JALIL
R/O VILL- PUB KALADUBA
P.S.-JURIA
DIST-NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR J C BORAH,

Advocate for the Respondent : PP, ASSAM, MS. R CHOUDHURY (Amicus Curiae)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.08.2024

Heard Mr. J.C. Borah, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State and Ms. R.

Choudhury, learned counsel for the respondent No. 2.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Md. Alal Uddion @ Alal Uddin**, has prayed for bail in connection with **Juria P.S. Case No. 91/2024** under Sections 376(3) of IPC r/w Section 6 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 82 days since his arrest on 09.06.2024. It is also submitted that there is a land dispute prevailing between the petitioner and the family of the victim girl. According to the learned counsel for the petitioner, as per FIR, the incident occurred prior to one year of lodging of the FIR. It is further submitted that it cannot be acceptable that the petitioner committed such offence 3 to 4 times and no any FIR was lodged to that effect. On the fourth incident, i.e. on 24.03.2024, when the petitioner tried to commit rape upon the victim, the instant FIR was lodged against the petitioner. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

4. Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary along with the statement of the victim girl recorded under Section 164 Cr.P.C. and submits that there is sufficient incriminating materials found against the petitioner. However, length of detention may be considered.

5. Ms. Choudhury, learned counsel for the respondent No. 2 has argued in the same tune by stating that though there is materials in the case diary against the petitioner, however, substantial part of investigation is complete.

6. I have considered the submissions of learned counsel for the parties. I have also perused the case diary including the statement of the victim recorded under Section 164 Cr.P.C.

7. Having heard the learned counsel for the parties and considering the length of detention, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner, named above, shall be released on bail in connection with **Juria P.S. Case No. 91/2024** under Sections 376(3) of IPC r/w Section 6 of POCSO Act, 2012, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned CJM, Nagaon, Assam.

9. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Nagaon, 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;

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

10. Violation or breach of any condition(s) shall render cancellation of bail.
11. In the view of the above, the bail application stands disposed of.
12. Send back the case diary.

JUDGE

Comparing Assistant