

GAHC010143852024



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

Case No. : Bail Appln./2102/2024

RIASUL AHMED @ ROSIDUL ISLAM
S/O MD. AKBAR ALI, R/O TOWN BANTOW, P.S.-NORTH LAKHIMPUR, P.O.-
KHELMATI-787031, DIST- LAKHIMPUR, ASSAM

VERSUS

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

2:SUKJAN NESSA
W/O JINNAT ALI
R/O PUB CHANDMARI
WARD NO. 14
P.S.-NORTH LAKHIMPUR
DIST-LAKHIMPU

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG

Advocate for the Respondent : PP, ASSAM, MS B CHOUDHURY, AMICUS CURIAE

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.09.2024

Heard Ms. S.G. Baruah, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State and Ms. B. Choudhury, learned *Amicus Curiae* for the respondent No. 2.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Riasul Ahmed @ Rosidul Islam**, has prayed for bail in connection with **Special (POCSO) Case No. 40/2024 under Section 366/376 of IPC r/w Section 6 of POCSO Act**, pending in the court of learned Special Judge (POCSO), Lakhimpur at North Lakhimpur.
3. It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in custody since 17.02.2024. It is also submitted that the petitioner and the victim are known to each other and have been in a love relationship for last three years. It is further pointed out that the informant and the victim girl have already been examined before the learned trial court. Therefore, there is no question of influencing the victim. Under such backdrop, the petitioner may be enlarged on bail.
4. Mr. Das, learned Additional Public Prosecutor for the State has also submitted that as the victim girl has been examined as such, considering the period of detention, bail may be considered.
5. Ms. Choudhury, learned *Amicus Curiae* for the respondent No.2 has though objected in granting bail to the petitioner.
6. I have considered the submissions made by the parties. I have also perused the trial court record including the evidence of the victim.
7. In view of the submission of learned counsel for the parties, particularly to the fact that the victim was testified before the learned trial court. It appears that only two witnesses were examined in the case. It will take some time to conclude the trial. In view of the above, this Court is

inclined to grant bail to the petitioner.

8. Accordingly, the petitioner, named above, shall be released on bail in connection with **Special (POCSO) Case No. 40/2024 under Section 366/376 of IPC r/w Section 6 of POCSO Act**, on furnishing bail bond of **Rs.50,000/- with two suitable sureties** of the like amount to the satisfaction of learned Special Judge (POCSO), Lakhimpur at North Lakhimpur, Assam.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge (POCSO), Lakhimpur at North Lakhimpur, Assam without prior written permission from him/her till disposal of the case;

(b) shall not, directly or indirectly, make any inducement, threat or promise to other remaining witnesses to be examined in the case;

(c) shall appear before the trial court each and every date fixed for hearing without fail;

10. Breach of any of the above conditions, shall tantamount to cancellation of bail.

11. In the view of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant