

GAHC010145122024



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

Case No. : Bail Appln./2121/2024

MEHBOOB AHMED @ SUNIL
S/O MOJUDDIN AHMED, VILL- HOWLIGHAT, P.S.-MUKALMUA, DIST-
NALBARI (ASSAM)

VERSUS

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

2:TARJAN KHATUN
W/O ABDUL RASID ALI
R/O OIL INDIA
DHARMANAGAR
P.S.-SATGAON
DIST- KAMRUP (M)
ASSAM
PIN-78102

Advocate for the Petitioner : MR. N J DUTTA, MR A ALAM,MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM, MR. SURAJIT DAS, (AMICUS CURIAE R2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.09.2024

Heard Mr. N.J.Dutta, learned counsel for the petitioner as well as Mr. B.B.Gogoi,

learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. S. Das, learned Amicus Curiae for the respondent No. 2.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023., the accused-petitioner, namely, **Mehboob Ahmed @ Sunil** has prayed for grant of bail in connection with **Sessions (Spl) Case No. 173/2024** (Satgaon P.S. Case No.43/2024) under Section 376 IPC r/w Section 4 of POCSO Act pending in the court of learned Special Judge POCSO, Kamrup (M) Guwahati.

The learned counsel for the petitioner submits that on the basis of part charge sheet, learned trial court took cognizance against the accused petitioner. The medical report and FSL report were not available at the time of filing of part charge sheet. It is also submitted that without submission of FSL and medical report, charge was also framed against the petitioner under section 4 of the POCSO Act. The petitioner has been in judicial custody for last 6 months since his arrest on 18.03.2024 and two prime witnesses i.e. the informant and the victim was examined by the learned trial court and as such, considering length of detention, bail may be considered.

The learned Addl.P.P. and learned counsel for the respondent No.2 have made no objection against the prayer of the petitioner in view of the fact that informant and the victim have been examined by the learned trial court.

Having heard the learned counsel for the parties and on perusal of the scanned copy of case records, considering length of detention, this Court is of the considered opinion that further custodial detention of the petitioner is not warranted.

Accordingly, it is provided that the petitioner named above shall be released

on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge, (POCSO) Act, Kamrup (M), Guwahati**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, (POCSO) Act, Kamrup (M), Guwahati**, without prior written permission from him/her;
- (ii) That the petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and
- (iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant