

GAHC010146392024



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

Case No. : Bail Appln./2146/2024

JEHERUL ISLAM
S/O ROUSAN ALI, R/O LARUGAON, P.S.-BIJNI, DIST- CHIRANG, BTAD,
ASSAM

VERSUS

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

2:ANOWARA BEGUM
W/O DUDU MIAH
R/O MADRASIPATTI
P.S. AND DIST- BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR P K DAS, MR. M BARUAH

Advocate for the Respondent : PP, ASSAM, MR. N MAHAJAN, (AMICUS CURIAE)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

25.09.2024

Heard Mr. P. K. Das, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent

No. 1 and Mr. N. Mahajan, learned Amicus Curiae appearing for respondent No.2.

2. By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Jeherul Islam**, has prayed for grant of bail in connection with **Special (P) Case No.57 (BGN)/2024** under Sections **365/376 R/W Section 4 of POCSO Act**.

3. It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 218 days since his arrest on 20.02.2024. He further submitted that charge-sheet has been laid against the accused petitioner and trial is going on. It is further submitted that the victim and the informant were examined by the trial court. In view of above, considering the length of detention, the petitioner may be enlarged on bail.

4. On the other hand, Mr. Sarma, learned Additional Public Prosecutor has submitted that as the victim has already been examined, length of detention may be considered.

5. Mr. N. Mahajan, learned Amicus Curiae appearing for respondent No.2 has made objection in granting bail to the petitioner.

6. In view of the submission of learned counsel for both the parties and considering the length of detention as well as the fact that the victim has already been examined in this case by the trial court, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Bongaigaon**.

The direction for bail is further subject to the following condition that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of the learned trial court

without prior written permission from him/her till disposal of the case.

8. The learned Special Judge, Bongaigan, is at liberty to impose any other condition(s) as it deems fit and proper at the time of releasing the accused/petitioner on bail to procure his attendance during trial.

9. The observation made above, shall confine for the purpose of disposal of this bail application only and shall not in any way affect the proceeding of the trial.

10. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant