

GAHC010151012024



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

Case No. : Bail Appln./2217/2024

AYUB ALI
S/O JARIF ALI, R/O VILL- ALIGAON CHAR, P.S.-BAGHBAR, DIST- BARPETA,
ASSAM

VERSUS

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

2:KASHEM ALI
S/O HUSSAIN ALI
VILL- ALIGAON CHAR
P.O.-MANIKPUR
P.S.-BAGHBAR
DIST- BARPETA
ASSAM
PIN-78130

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL, MR A HAWARI

Advocate for the Respondent : PP, ASSAM, MR H A AHMED (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-09-2024

Heard Ms. S. Islam, learned counsel for the petitioner Ayub Ali, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita,

2023 with prayer for bail as he is behind bars since 01.03.2024 in connection with Special POCSO Case No. 41/2024 arising out of Baghbar Police Station Case No. 13/2024 under Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State and Mr. K. Ahmed, learned counsel for the respondent No. 2.

3. Learned counsel for the respondents have raised serious objection stating that the petitioner has committed serious offence. Now, the victim has given birth to a male child and she has to fend for herself. The victim is suffering immensely due to the petitioner's conduct.

4. The allegation against the petitioner is that he had committed rape on the victim.

5. It is submitted on behalf of the petitioner that the petitioner is willing to cooperate with the trial. The petitioner has denied that he has committed sexual assault on the victim.

6. I have considered the submission that the evidence of the victim has been recorded. Thus, it appears that the petitioner will not be able to influence the key witnesses as already the statement of the victim has been recorded.

7. The petitioner is hereby enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Trial Court under the conditions that :

(i) the petitioner shall not exercise threats to the witnesses and try to influence them.

(ii) the petitioner shall not leave the jurisdiction of the Court without prior

permission till completion of trial.

8. On breach of any of the bail conditions, the bail order shall automatically stand cancelled. However, the Trial Court is at liberty to cancel the bail granted to the petitioner.

9. In terms of the above observation, this Bail Application stands disposed of.

JUDGE

Comparing Assistant