

GAHC010152192024



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

Case No. : AB/2009/2024

MOHOR ALI @ MOHOR ALI MOLLAH
S/O KHOIM UDDIN, VILLAGE- SHIBER ALGA, P.S- FAKIRGANJ, DISTRICT-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM.

2:MAYAN ALI
S/O SAHJAHAN ALI
VILLAGE- CHIRAKHUWA
P.S- FAKIRGANJ
DISTRICT- DHUBRI(ASSAM

Advocate for the Petitioner : MR A ISLAM, MR. S K M ALOMGIR,MR F HAQUE

Advocate for the Respondent : PP, ASSAM, MR. P SAIKIA (AS LEGAL-AID-COUNSEL FOR R-
2),MR F U BARBHUIYA (R-2),MS S DAS(R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27-09-2024

Heard Mr. F. Haque, learned counsel for the petitioner Mohor Ali @ Mohor Ali Mollah who has filed this application under Section 482 of the BNSS with

prayer for pre-arrest bail as he is apprehending arrest in connection with Fakirganj P.S. Case No.82/2024 under Section 376(2)(n)/323/506 IPC, R/W section 6 of POCSO Act.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. It is submitted on behalf of the petitioner that a false case has been brought up against the petitioner. It is submitted that the petitioner and the victim had a love affair and the victim went with the petitioner on her own volition.

4. Learned counsel for the respondent No.2 has raised serious objection stating that the victim is a minor girl aged about 16 years and the petitioner does not deserve bail considering the gravity of the case.

5. I have scrutinized the case diary and also considered the submission at the Bar. The investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required.

6. Accordingly, in the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a local surety of like amount to the satisfaction of the arresting authority under the conditions that:-

(i) the petitioner shall appear before the Investigating Officer within 1 (one) week from today and cooperate with the investigation,

(iii) the petitioner shall not exercise threats to the witnesses or tamper with the evidence and,

(iv) the petitioner shall not leave the jurisdiction of the Court without prior permission.

7. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

8. Send back the case diary.

9. Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant