

GAHC010163782024



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

Case No. : Bail Appln./2431/2024

RAFIJ UDDIN @ RAHIJ UDDIN
S/O ABDUL AZIZ, R/O KUSHBARI PART I, P.S.-MERERCHAR, DIST-
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M H AHMED, MR. O ULLAH,I AMIN,MS. N SULTANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03-09-2024

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been filed by the petitioner namely Rafij Uddin @ Rahij Uddin for seeking regular bail in connection with Kalgachia P.S. Case No.61/2024 under Section 366/370(1) IPC.

The petitioner herein who was under detention in connection with Mererchar P.S. Case

No.20/2024 under Sections 365 read with Section 4 of the POCSO Act corresponding to Special(P) 55(MCR)/2024 was shown arrested in connection with Kalgachia P.S. Case No.61/2024.

The learned Special Judge, North Salmara, Abhayapuri in Special(P) 55(MCR)/2024 vide order dated 23.07.2024 was pleased to grant bail to the petitioner herein in Mererchar P.S. Case No.20/2024 subject to the condition as mentioned in the order.

I have also perused the materials brought on record.

On perusal of the same, it is noticed that the wife of the petitioner who was alleged to have been sold at a place in Rajasthan has been recovered and her statement was also recorded under Section 161 as well as 164 Cr.P.C.

It is also stated by the learned Additional Public Prosecutor that charge-sheet has been filed in the present matter and the matter is presently at the trial stage.

In view of the above position, this Court is of the view that the petitioner is entitled to be enlarged on bail. Accordingly, it is directed that the petitioner named above be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand) with two local sureties of the like amount to the satisfaction of the learned Sessions Judge, Barpeta subject to the following conditions:-

- (i) that the petitioner shall co-operate in the early conclusion of the trial and shall appear before the Court on the dates the matter is so fixed.
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Sessions Judge, Barpeta without prior permission.

With the above observation and direction, the Bail Application stands disposed of.

JUDGE

Comparing Assistant