

GAHC010177722024



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

Case No. : Bail Appln./2613/2024

REHENA KHATUN
W/O AMIR UDDIN, VILL- BAHALAMUKH, P.S.-MOIRABARI, DIST-
MORIGAON (ASSAM)

VERSUS

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

2:MD. ABUL HUSSAIN
S/O LATE ABDUL RAHMAN
VILL- BOHLARMUKH
WARD NO. 10
P.S.-MOIRABARI
DIST- MORIGAON (ASSAM)

Advocate for the Petitioner : MD B ISLAM, F KHATUN,MS. J AHMED,MR A ALAM,MR. A A
MONDAL

Advocate for the Respondent : PP, ASSAM, MRS. P B BORDOLOI (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-10-2024

Heard Mr. B. Islam, learned counsel for the petitioner Rehena Khatun, who
has filed this application under Section 483 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 with prayer for bail as she is behind bars since 26.07.2024 in connection with Laharighat P.S. Case No.129/2024 under Sections 376(3)/506 IPC R/W Section 6 of POCSO Act.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. Office note dated 01.10.2024 indicates that copy of petition along with annexure has been served to the learned legal aid counsel to represent the respondent No.2. But the legal aid counsel is not present today. The respondent No.2 is not represented today. However, the petition is taken into consideration.

4. The petitioner is the wife of the prime accused who is alleged to have committed rape on the minor victim, who was only 15 years 6 months at the time of the incident. It is submitted on behalf of the petitioner that the petitioner is the wife of the prime accused who allegedly committed rape on the minor victim. No specific role has been attributed to the petitioner, who is mother of two children and the petitioner is languishing behind jail for 69 days. Her children are suffering immensely as no one is present in the household to take care of her children.

5. I have considered the submissions at the Bar with circumspection. It appears that bail may be granted to the petitioner, Rehena Khatun.

6. Considering all aspects, I deem it proper to grant bail to the petitioner. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of the like amount to the satisfaction of the trial Court under the conditions that :

(i) the petitioner shall not exercise threat to the witnesses;

(iii) 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. In terms of the above observation, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant