

GAHC010182882024



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

Case No. : Bail Appln./2698/2024

FAKIR CHAN AKAND
S/O LATE BADSHAH AKAND, VILL- SADHUBASA, P.S.-GAURIPUR, DIST-
DHUBRI, ASSAM

VERSUS

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

2:ASHATUR NESSA
W/O SAHED ALI
VILL- KANHARA GAON
P.O.-GOROIMARI
P.S.-GOROIMARI
DIST- KAMRUP (R)
PIN-78210

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM, MS. M K BROWN, (AMICUS CURIAE, R2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 07.11.2024

Heard Mr. N.Uddin, learned counsel for the petitioner as well as Mr. R.R.Kaushik,

learned Addl. P.P., Assam for the State respondent No.1. Also heard Ms. M.K.Brown, learned counsel for the respondent No.2.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Fakir Chan Akand** has prayed for grant of bail in connection with **Jalukbari P.S. Case No.383/2024** under Section 127(2)/140 (3)/3 (5)/64 of BNS, 2023 r/w Section 4/17 of POCSO Act.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody for last 90 days since his arrest on 10.08.2024. Charge sheet has not been submitted and as such, the petitioner is entitled for default bail.

The learned Addl.P.P. has produced the case diary and submits that charge sheet has not yet been submitted.

Learned counsel for the respondent No.2 has made no objection against the prayer of the petitioner.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge, Kamrup (M)**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Kamrup (M)** without prior written permission from him/her;

- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant