

GAHC010191012024



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

Case No. : Bail Appln./2829/2024

SADIQUE HUSSAIN
S/O AKBAR ALI
VILL- GOROIMARI, AMBAGAN
P.S. AMBAGAN,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:MONUWARA BEGUM
W/O NUR JAMAL
VILL- 1 NO. BHATYAKHALI
P.S. RUPOHIHAT
DIST. NAGAON
ASSA

Advocate for the Petitioner : MS. G BORAH,

Advocate for the Respondent : PP, ASSAM, MS B CHOUDHURY, AMICUS CURIAE (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 23.10.2024

1. Heard Ms. G Borah, learned counsel for the petitioner, ***Sadique Hussain***, who has filed this application under section 483 of the BNSS, 2023, with prayer for bail as he is behind the bars since ***03.08.2024***, in

connection with ***Rupohihat Police Station Case No.187/2024*** under sections ***363/376/313/294/506 IPC*** read with section 6 of the POCSO Act, 2012.

2. Heard Ms. N Das learned Additional Public Prosecutor for the State of Assam and Ms. B Choudhury, learned Amicus Curie appearing for the respondent No.2.

3. The learned Additional Public Prosecutor and learned Amicus Curie have raised serious objections against the bail petition.

4. The allegation against the petitioner is that he has committed sexual assault upon the minor victim 'X'. It is submitted on behalf of the petitioner that the petitioner and the victim had a love affair and the victim is almost at the verge of attaining majority and there was an agreement executed between the parents of the victim and the petitioner that the marriage of the petitioner and the victim will be solemnized as soon as the victim attains majority. The agreement is marked as Annexure – 3 of the petition. The petitioner is only 19 years old and now a false case has been slammed against the petitioner.

5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the case diary against the petitioner.

6. I have scrutinized the case diary. The merits of this case are not brought to the fore as investigation is still under progress.

7. I have considered the length of detention and also considered the submission that the petitioner is a young lad and he is willing to cooperate with the remaining part of the investigation. The petitioner is a local resident and also he is not at flight risk. I have also considered the agreement submitted on behalf of the petitioner.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs.50,000/- with one suitable surety of the like amount to the satisfaction of the jurisdictional court under the condition that:

I. The petitioner shall not exercise threats to the witnesses or try to influence the witnesses;

II. The petitioner shall not leave the jurisdiction of the court, without prior permission, till completion of trial, and

III. The petitioner shall appear before the I/O on every fortnight till completion of the investigation.

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

10. The bail application stands disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant