

GAHC010196152024



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

**Case No. : Bail Appln./2907/2024**

BANIJ ALI @ BANIS ALI  
S/O AZMOT ALI  
R/O VILL- KISMAT KATHMI  
P.S. BOKO  
DIST. KAMRUP, ASSAM

VERSUS

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

2:SIRAJUL ISLAM  
S/O MAZIBUR RAHMAN  
R/O VILL- KISMAT KATHMI  
P.S. BOKO  
DIST. KAMRUP  
ASSA

**Advocate for the Petitioner** : MR N AHMED, S BASUMATARY

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**18-11-2024**

Heard Mr. N. Ahmed, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the opposite party No.1. Also heard Mr. S. Sarma, learned counsel for the informant/opposite party No.2.

**2.** The petitioner, namely, **Banij Ali @ Banis Ali**, son of Azmot Ali has filed this application under Section 483 BNSS, 2023, seeking bail in **Boko P.S. Case No.319/2024** registered under Sections 376/506 IPC read with Section 4 of the POCSO, Act, 2012, wherein, he was arrested on 17.08.2024 and in custody since then.

**3.** As per the FIR of the case dated 13.07.2024, lodged by the informant before the In-Charge of Sontoli Police Out Post, Sontoli O.P., G.D. Entry No.185, dated 13.07.2024 was made. In the FIR, the informant alleged that the accused person named in the FIR raped his minor daughter three months prior to the lodging of the said complaint. It is when the minor daughter of the informant suffered from health issues, they took her to the doctor and after conducting the tests, the doctor informed them that the minor victim girl is carrying three months pregnancy. On asking the minor victim, the informant came to know that the accused person raped her three months back and the said accused also threatened her that if she disclose the incident, then he will kill her. Accordingly, the said FIR was registered as Boko P.S. Case no. 319/2024.

**4.** On instruction of the Investigating Officer of said Boko P.S. Case no. 319/2024, Mr. Parasar, learned Addl. PP submitted that charge-sheet in the case could not be filed till date due to non-availability of the DNA report.

**5.** Since 17.08.2024, the petitioner is in custody for about 62 days. In view of the above, the petitioner is entitled for his default bail in said Boko P.S. Case no. 319/2024.

**6.** Accordingly, the petitioner, namely, **Banij Ali @ Banis Ali**, son of Azmot Ali, is granted default bail in said Boko P.S. Case no. 319/2024 on furnishing a bail bond of Rs. 50,000/- with two local sureties of the like amount, to the

satisfaction of the learned Special Judge (POCSO), Kamrup, Amingaon on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Boko P.S. Case No. 319/2024 as and when he is required for necessary investigation of said Boko P.S. Case; **(ii)** shall not leave the territorial jurisdiction of said Boko Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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 them from disclosing such facts to the Court or to any police officer; **(v)** he shall not involve himself in any criminal activities and **(vi)** shall not threaten the minor victim girl or anyone in her family by himself or by others, acting on his behalf.

**7.** Any violation of the aforesaid terms and conditions by the petitioner, namely, **Banij Ali @ Banis Ali**, the bail granted to him in said Boko P.S. Case no. 319/2024 shall stand automatically vacated.

**8.** The bail application accordingly stands disposed of to the extent above.

**9.** Return the case diary.

**JUDGE**

**Comparing Assistant**