

GAHC010196172024



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

Case No. : Bail Appln./2885/2024

MD ILIYAS AHMED
S/O MD. AKBAR ALI
R/O VILL- MOHGULI BORGULA
P.S. NORTH LAKHIMPUR, ASSAM

VERSUS

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

2:MD. KALU KHALIFA
S/O LATE PACHO KHALIFA
R/O VILL- BALITIKA
P.S. LALUK
DIST. NORTH LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.09.2024

Heard Mr. B.Chowdhury, learned counsel for the petitioner as well as Mr.

B.Sarma, learned Addl. P.P., Assam for the State respondent No.1.

By this petition filed under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023, the petitioner, namely **Md. Iliyas Ahmed** has prayed for bail in connection with **Laluk P.S. Case No. 87/ 2024** under Section 366/376(3) of IPC read with Section 4 of the POCSO Act.

The learned counsel for the petitioner submits that the petitioner has been in judicial custody for last 90 days since his arrest on 25.06.2024. Charge sheet has not been submitted and as such, the petitioner is entitled for default bail.

The learned Addl.P.P. submits that he has instruction that charge sheet has not yet been submitted awaiting FSL report.

Having heard the learned counsel for the parties and the averments made in this petition, it appears that the petitioner is in judicial custody for last 90 days and charge-sheet is yet to submit in the case. As such, considering length of detention, this court is of the view 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,(POCSO) Lakhimpur**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge,(POCSO) Lakhimpur** 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.

JUDGE

Comparing Assistant