

GAHC010200492024



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

Case No. : Bail Appln./2955/2024

SANIDUL ISLAM
S/O NUR MAHAMMAD ALI, R/O VILL- JIBARANGA, P.O.-TIPLAI, P.S.-
RANGJULI, DIST- GOALPARA, ASSAM, PIN-783134

VERSUS

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

2:MANOWARA BEGUM
W/O TAFIZ ALI
R/O JIBARANGA
P.O.-TIPLAI
P.S.-BONGAIGAON
PIN-783134
DIST- GOALPARA
ASSA

Advocate for the Petitioner : MR. M A SHEIKH, MR. W A SHEIKH,MR. F ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.10.2024

Heard Mr. M.A.Sheikh, learned counsel for the petitioner as well as Mr.

D.P.Goswami, learned Addl. P.P., Assam for the State respondent No.1.

By filing this petition under Section of the 483 Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Sanidul Islam** has prayed for grant of bail in connection with **Rongjuli P.S. Case No.47/2024** under Sections 64 of the BNS r/w Section 4 of POCSO Act.

Case diary is received without the FSL report.

The allegation in the FIR in brief is that the daughter of the informant was kidnapped by the petitioner on 23.07.2024 and thereafter committed rape.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody for last 90 days as on today since his arrest on 25.07.2024. Charge sheet has not been submitted in the case and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that charge sheet has not been submitted in the case.

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 the petitioner is in judicial custody for last 90 days and considering length of detention, further custodial interrogation of the petitioner 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, No.2, Goalpara**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, No.2, Goalpara** 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