

GAHC010203492024



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

Case No. : Bail Appln./2991/2024

REKIBUL HUSSAIN @ RAHUL HUSSAIN
S/O ANOWAR HUSSAIN, VILL- MOKHANIA (BOROMBOI), P.S.-HAJO, DIST-
KAMRUP, ASSAM

VERSUS

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

2:MUKUNDA DAS
S/O LATE KANURAM DAS
VILL- BHOLABARI
P.S.-HAJO
DIST- KAMRUP
ASSAM. PIN-78110

Advocate for the Petitioner : MR. A ALI, MR. Y ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

29/10/2024

Heard Mr. A Ali, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Rekibul Hussain @ Rahul Hussain**, son of Anowar Hussain, resident of Village-Mokhania (Boromboi), P.S. Hajo, District-Kamrup, seeking bail in **Hajo P.S. Case No. 267/2024** registered under Sections 103/65(1) BNS read with Section 4 of the POCSO Act, wherein he was arrested on 27.07.2024 and is in custody since then.

3. As per the FIR dated 25.07.2024 lodged by the informant that on said date, i.e., on 25.07.2024 at about 3:00 PM, her minor daughter aged about 15 years was found missing from her house. When search was made to find his said minor daughter, her dead body was found floating in a pond nearby their house. The informant suspected that the accused petitioner had deceitfully called his minor daughter and committed rape on her and then threw her into the pond.

4. On 28.10.2024, the Court directed Mr. Das, learned Additional Public Prosecutor, Assam to apprise the Court as to whether charge-sheet in said Hajo P.S. Case No. 267/2024 has been filed or not.

5. Today, Mr. Das, learned Additional Public Prosecutor, Assam on instruction submitted that charge-sheet in said Hajo P.S. Case No. 267/2024 is yet to be submitted.

6. Considering the above, as the petitioner has already completed the mandatory period of his detention in custody since 27.07.2024, he is entitled for his release on default bail in said Hajo P.S. Case No. 267/2024.

7. Accordingly, the petitioner, namely, **Rekibul Hussain @ Rahul Hussain**, is granted default bail in said **Hajo P.S. Case No. 267/2024** registered under Sections 103/65(1) BNS, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee either Central or State Government, to the satisfaction of the learned Special Judge (POCSO), Kamrup at Amingaon, on conditions that the petitioner — (i) shall appear before the

Investigating Officer of said Hajo P.S. Case No. 267/2024 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the learned Special Judge (POCSO), Kamrup at Amingaon, without obtaining prior written permission from the said authority; **(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)** shall not involve himself in any criminal activities and **(vi)** shall surrender his passport, if any, before the learned Special Judge (POCSO), Kamrup at Amingaon on or before 06.11.2024, obtaining necessary acknowledgment in that regard, failing which, the bail granted to him in the aforesaid Hajo P.S. Case No. 267/2024 shall stand automatically vacated.

8. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant