

GAHC010211032024



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

Case No. : Bail Appln./3231/2024

MD IKRAMUL HUSSAIN
S/O ABU TAHER
R/O VILL- SAGUNBAHI
JAMURMUR,
P.S. KAMPUR,
DIST. NAGAON, ASSAM
PIN-782001

VERSUS

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

2:KRISHNA KAMAL DEY
S/O LATE PRAN KRISHNA DEY
R/O KATHIATALI KACHARI GAON
P.S. KAMPUR
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH,MR. M ALAM

Advocate for the Respondent : PP, ASSAM, MR P TALUKDAR (R-2),MR W R MEDHI(R-2)

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-11-2024

Heard Mr. M Alam, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Md. Ikramul Hussain**, son of Abu Taher, resident of Village-Sagunbahi, Jumarmur, Police Station-Kampur, District-Nagaon has filed this application under Section 439 CrPC praying for his release on bail in Kampur Police Station Case No. 102/2024 registered under Section 376(1)/366 IPC read with Section 6 of the POCSO Act, 2012, corresponding to G.R. No. 3007/2024, in which he was arrested on 29.08.2024 and is in custody since then.

3. As per the FIR dated 28.08.2024 lodged by the informant before the Officer-in-Charge of Kampur Police Station, the case is that the accused petitioner had relation with his minor daughter for the last one year and during that period he committed rape on her on multiple occasions. As a result she became pregnant and on 28.08.2024 at around 10 AM the accused petitioner kidnapped his daughter from his house and while they were on the way, she gave birth on the road. Local people with the help of health workers took his daughter to NMCH, Nagaon.

4. Accordingly, Kampur Police Station Case No. 102/2024 was registered under Section 376(1)/366 IPC read with Section 6 of the POCSO Act, 2012 against the petitioner.

5. Mr. B Sarma, learned APP, Assam, on instruction, has submitted that Charge-Sheet in the case has not yet been filed till date.

6. Since 29.08.2024, the petitioner is in custody for 91 days till date and has already completed the statutory/mandatory period of his detention.

7. Considering the above, the Court is of the view that the petitioner is entitled for his default bail in said Kampur Police Station Case No. 102/2024.

8. Accordingly, the petitioner, namely, **Md. Ikramul Hussain**, be released on default bail in said Kampur P.S. Case No. 102/2024, on furnishing bail bond of Rs. 50,000/- with two local sureties each of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Special Judge (POCSO), Nagaon on conditions that the petitioner —

- (i) shall appear before the concerned Investigating Officer of said Kampur P.S. Case No. 102/2024 as and when he is required for necessary investigation of the said case;

- (ii) Shall surrender his passport, if any, before the learned Special Judge ((POCSO), Nagaon on or before 07.12.2024.
- (iii) shall not leave the territorial jurisdiction of Kampur Police Station without obtaining prior written permission from the concerned I.O. of the case;
- (iv) shall not hamper or tamper with the evidence of the case;
- (v) 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;
- (vi) shall not involve himself in any criminal activities and
- (vii) shall not threat the minor victim girl or anyone in her family by himself or by others, acting on his behalf.

9. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Md. Ikramul Hussain**, the bail granted to him in said Kampur P.S. Case No. 102/2024 shall stand automatically vacated.

10. With the above observations and directions, this bail application accordingly stands disposed of.

JUDGE

Comparing Assistant