

GAHC010218802023



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

Case No. : Bail Appln./3524/2023

ILIUS RAHMATULLAH @ ILIUS AHMED
S/O LT. NURUL AMIN @ NURUL ISLAM
VILL- LERUARMUKH, P.O. MOIRABARI, P.S. BHELOWGURI
DIST. MORIGAON, ASSAM, PIN-782126

VERSUS

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

2:MD. ABU BAKKAR SIDDIK
S/O AKBAR ALI
VILL- LERUAMUKH
P.S. BHELOWGURI

DIST. MORIGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. Z HAMMAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-01-2024

- 1.** Heard Mr. Z. Hammad, learned counsel for the petitioner.
- 2.** The petitioner, namely, Ilius Rahmatullah @ Ilius Ahmed filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 27.04.2023 in connection with Bhelowguri P.S. Case No. 35/2023 registered u/s 376/506/34 IPC R/W Section 6 of the POCSO Act (G.R. No. 768/2023).
- 3.** Heard Mr. M.P. Goswami, learned Addl. PP, Assam and Mr. M. Rahman, learned counsel for respondent No. 2.
- 4.** The learned Addl. PP and the learned counsel for respondent No. 2 has raised serious objection. It is submitted that already the accused persons have been exercising threats to the victim and her family members. Once the accused is granted bail, witnesses would be coerced and their threats will discourage the witnesses from revealing the truth.
- 5.** The learned counsel for the petitioner has submitted that the petitioner had a love relationship with the victim. It is submitted on behalf of the petitioner that the victim herself has admitted in her statement u/s 164 Cr.PC that the petitioner had a love relationship with the victim.
- 6.** I have perused the scanned copies of the LCR. The victim has given her age as 17 years which clearly indicates that the victim is a minor. Charges have already been framed against the petitioner u/s 376(2) IPC read with Section 6 of the POCSO Act.
- 7.** I have considered the submission of the petitioner that he will abide by any bail condition imposed upon him. The petitioner is a local resident and he has pledged to co-operate with the trial. It is also submitted on behalf of the petitioner that the victim's family are unnecessarily speculating threats.
- 8.** Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge, POCSO, Morigaon under the conditions that:-
 - [i] The petitioner shall not go near the vicinity of the victim;
 - [ii] the petitioner shall appear before the IO within 10 days from today and co-operate with the investigation;

- [ii] the petitioner shall not exercise threats to the witnesses; and
- [iii] the petitioner shall not jump the bail.

On breach of any of the bail conditions, bail order shall stand cancelled.

JUDGE

Comparing Assistant