

GAHC010226782024



2024:GAU-AS:11222

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

Case No. : Bail Appln./3333/2024

ABIDUL HOQUE
S/O AFAJUDDIN SHEIKH, VILL- NO. 3 GOROIMARI PALENGBARI, P.S.-
PANBARI, DIST- CHIRANG, ASSAM, PIN-783391

VERSUS

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

2:GITUMONI DAS
D/O SRI TRIKEN DAS
VILL- SULIAKATA
P.O.-SORBHOG
P.S.-SORBHOG
DIST- BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS, MR. F A HASSAN, MS A DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

Heard Mr. S C Biswas, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State

2. The petitioner, namely, **Abidul Hoque**, son of Afajuddin Sheikh, resident of Village- No.

3 Goroimari Palengbari, Police Station-Panbari, District-Chirang has filed this application under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 praying for his release on bail in Sorbhog Police Station Case No. 107/2024 under Sections 419/376(1)/506 of the IPC, read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 Act, in which he was arrested on 19.08.2024 and is in custody since then.

3. As per the FIR dated 17.08.2024 lodged by the informant/minor victim before the Officer-in-Charge of Sorbhog Police Station, alleging that the petitioner about four months back contacted her in her mobile number introducing himself to be a man from Hindu community and in that manner started taking with her on various dates. Later by inducing and luring her he used to call her to "Chinaki Hotel" at Sorbhog and forcefully intercourse with her in spite of her objection and resistance. The accused petitioner also videographed his such physical relation with the informant and uploaded in the social media, thereby made her life insecure. By the said FIR the informant requested the authority concerned of the Sorbhog Police Station to take necessary action in accordance with law.

4. Accordingly, Sorbhog Police Station Case No. 107/2024 was registered under Sections 419/376(1)/506 of the IPC read with Section 6 of the POCSO, 2012 Act and the petitioner was subsequently arrested on 19.08.2024 and is in custody since then.

5. On instruction, Ms. S H Bora, learned APP, Assam has submitted that though after completion of the investigation of the case, police prepared the Charge-Sheet in the case against the petitioner and filed it on 29.09.2024 vide Charge-Sheet No. 87/2024, but the same has been placed before the learned Additional Sessions Judge, Barpeta today only, in absence of the learned Special Judge (POCSO), Barpeta, being on leave.

6. Considering his detention since 19.08.2024 in said Sorbhog P.S. Case No. 107/2024, it is seen that the petitioner is in custody for more than 90 days till date and as such, he is entitled for his default bail in said Sorbhog P.S. Case No. 107/2024.

7. Accordingly, the petitioner, namely, **Abidul Hoque**, son of Afajuddin Sheikh, be released on default bail in said Sorbhog Police Station Case No. 107/2024 on furnishing a 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), Barpeta on conditions that the said petitioner —

- (i) shall appear before the concerned Investigating Officer of said Sorbhog P.S. Case No. 107/2024 as and when he is required for necessary investigation of the said case;
- (ii) shall appear before the learned Special Judge (POCSO), Barpeta on the dates so fixed during the trial of the case and as and when he is required for his appearance in the said case before the learned Special Judge;
- (iii) shall not leave the territorial jurisdiction of Sorbhog 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 threaten the victim girl or any other members of her family, by himself or by anyone or by others, acting on his behalf and
- (vii) shall not involve himself in any criminal activities

8. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Abidul Hoque**, the bail granted to him in said Sorbhog Police Station Case No. 107/2024 shall stand automatically vacated.

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

JUDGE

Comparing Assistant