

GAHC010229452024



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

**Case No. : Bail Appln./3358/2024**

AMINUR ISLAM @ AMINUL HOQUE SARKAR  
S/O SOLEMAN SARKAR  
R/O VILL- 1 NO. BASHBARI,  
P.S. MANIKPUR,  
DIST. BONGAIGAON, ASSAM

2: AMINUR ISLAM  
S/O JUNAB ALI  
R/O VILL- 1 NO. BASHBARI

P.S. MANIKPUR

DIST. BONGAIGAON  
ASSA

VERSUS

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

2:ATOWAR ALI  
S/O LATE SABER ALI  
R/O VILL- 5 BASHBARI  
P.S. MANIKPUR  
DIST. BONGAIGAON  
ASSAM  
PIN-783337

PHONE NO. 789602897

**Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS**

**Advocate for the Respondent : PP, ASSAM, MR A BURAGOHAIN (R-2)**

**BEFORE  
HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 19.11.2024**

Heard Mr. M.Khan, learned counsel for the petitioners as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. A.Buragohain, learned counsel for the respondent No.2.

By filing this 2<sup>nd</sup> petition under Section 483 Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioners, namely, **1.Aminur Islam @ Aminul Hoque Sarkar** and **2. Aminur Islam** have prayed for grant of bail in connection with **Manikpur P.S. Case No.116/2024** under Section 64/75/137(2) of the BNS, r/w Section 4/8 of POCSO Act.

Case diary is received.

Vide Order dated 23.10.2024, the bail application of the petitioners was rejected in connection with Bail Application No.2924/2024.

The learned counsel for the petitioners submits that the petitioners have been languishing in judicial custody for last 88 days since their arrest on 24.08.2024 and as such, considering the length of detention, petitioners may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that though there is materials against the petitioners, however, length of detention of the petitioners may be considered. Charge-sheet has not yet been submitted.

The learned counsel for the respondent No. 2 also submits that length of detention of the petitioners may be considered.

Having heard the learned counsel for the parties and on perusal of the case diary, it appears that the petitioners are in judicial custody for last 88 days and charge-sheet has not yet submitted in the case and as such, considering length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with two sureties each of like amount to the satisfaction of the learned **Special Judge, Bongaigaon**, subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge, Bongaigaon** without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioners 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**