

GAHC010242142024



2024:GAU-AS:12122

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

Case No. : Bail Appln./3514/2024

JAHANGIR ALOM
S/O LATE A BDUL KHALEQUE
VILL- LATIBARI PART-II,
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM

VERSUS

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

2:JAYANTI RAY
W/O LATE DIPAK RAY
VILL- SINGIMARI PART-II

P.O. ABHAYAPURI
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN- 78338

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

02/12/2024

Heard Mr. N Uddin, learned counsel for the petitioner and Mr. B Sarma, 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, **Jahangir Alom**, son of Late Abdul Khaleque, resident of Village-Latibari Part-II, P.S. Abhayapuri, District-Bongaigaon, seeking bail in **Abhayapuri P.S. Case No. 209/2024** registered under Sections 75/140(3)/62 BNS read with Section 8 of POCSO Act corresponding to NGR No. 391/2024, wherein he was arrested on 02.09.2024 and is in custody since then.

3. This is petitioner's 2nd bail application in said Abhayapuri P.S. Case No. 209/2024.

4. Earlier this Court by order dated 29.10.2024 rejected the bail prayer of the petitioner on perusal of the case record.

5. On being enquired, Mr. Sarma, learned Additional Public Prosecutor, Assam submitted that as on date, police after completion of investigation of the case has not filed any charge-sheet in said Abhayapuri P.S. Case No. 209/2024.

6. Since 02.09.2024, the petitioner is in custody for more than 90 days as on today and as such, he has already completed the statutory/mandatory period of his detention in custody.

7. In view of the above, the petitioner is entitled for his default bail in said Abhayapuri P.S. Case No. 209/2024.

8. Accordingly, the petitioner, namely, **Jahangir Alom**, is granted default bail in said **Abhayapuri P.S. Case No. 209/2024** registered under Sections 75/140(3)/62 BNS read with Section 8 of POCSO Act corresponding to NGR No. 391/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each 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), North Salmara, Abhayapuri, on conditions that the petitioner — (i) shall appear before the Investigating Officer of said Abhayapuri P.S. Case No. 209/2024 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), North Salmara, Abhayapuri 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 with any criminal activities in future and **(vi)** shall surrender his passport, if any, before the learned Special Judge (POCSO), North Salmara, Abhayapuri on or before 09.12.2024, obtaining necessary acknowledgment in that regard, failing which, the bail granted to him in the aforesaid Abhayapuri P.S. Case No. 209/2024 shall stand automatically vacated.

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

JUDGE

Comparing Assistant