

GAHC010244632024



2024:GAU-AS:12271

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

Case No. : Bail Appln./3575/2024

ALOMGIR ALI ALIAS HUSSAIN
S/O KACHER ALI
R/O VILL- BHAMANDANGA PART-II, P.S. AGOMANI, DIST. DHUBRI, ASSAM

VERSUS

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

2:ACHIMA BIBI
(MOTHER OF THE ALLEGED VICTIM GIRL)
W/O SAMSER ALI
R/O VILL AND P.O. KHERBARI
P.S. AGOMANI
DIST. DHUBRI
ASSAM

PIN-78333

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM, MR. M ISLAM (R-2)

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04.12.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State respondent No. 1 and Mr. M. Islam, learned counsel appearing on behalf of respondent No. 2.

This is an application under Section 483 of the BNSS, 2023 praying for grant of bail to the accused/petitioner, who has been arrested in connection with Agomani P.S. Case No. 87/2024, under Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 *read with* Section 6/17 of the Protection of Children from Sexual Offences Act, 2012 *read with* Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

It is submitted by Mr. Ahmed, learned counsel for the petitioner, that the case has already been Charge-Sheeted against the present accused/petitioner under Section 9 of PCM Act *read with* Section 6 of POCSO Act *read with* Section 75 of JJ Act. He further submitted that from the F.I.R. itself, it is seen that both the accused and the victim eloped out of their love affairs and got married and presently they are living peacefully with each other. However, the accused/petitioner is in custody for last 55 days and hence, considering his length of detention, he may be enlarged on bail. The case has already been charge-sheeted and hence, the question of hampering or tampering the witnesses or the investigation does not arise. He is a permanent resident of his addressed locality and will regularly appear before the learned Trial Court below as and when the date is fixed.

Mr. Islam, learned counsel appearing on behalf of respondent No. 2, submitted in this regard that the victim already got married with the petitioner and they are staying happily and peacefully as husband and wife and hence, the respondent No. 2/the mother of the victim has no objection if the accused/petitioner is allowed to go on bail.

Mr. Goswami, learned Additional Public Prosecutor for the State respondent No. 1, also submitted in this regard that the case has already been charge-sheeted and hence, he raised no objection in granting bail to the present accused/petitioner.

Considering the submissions made by the learned counsels for both sides and also considering the entire aspects of the case, I find it a fit case to extend the privilege of bail to the accused/petitioner.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Dhubri, the accused/petitioner, namely, Alomgir Ali @ Hussain, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner 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 Court or to any police officer; and
- (ii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Dhubri, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant