

GAHC010270322024



2024:GAU-AS:13025

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

Case No. : Bail Appln./3870/2024

RABI HASAN MAZUMDER @ RAFI
S/O LATE ABUL KALAM MAZUMDER
VILL- CHANDRAPUR PART-I, P.O. CHANDRAPUR, P.S. LALA
DIST. HAILAKANDI, ASSAM, PIN-788163

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T J MAHANTA, MR. P K DEKA, MR. I H LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20-12-2024

Heard Mr. T. J. Mahanta, learned Senior Counsel, assisted by Mr. J. H. Laskar, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2) The petitioner, namely, **Rabi Hasan Mazumder @ Rafi**, son of Late Abul Kalam Mazumder, resident of Village-Chandrapur Part-I, Police Station-Lala, District-Hailakandi has filed this bail application under Section 483 BNSS, 2023, seeking bail in **Lala Police Station Case No. 200/2024**, registered under Sections 14/15 of the POCSO Act, 2012, where, he was arrested on 10.12.2024 and is in custody since then.

3) As per the FIR dated 08.12.2024, lodged before the Officer-in-Charge of Lala Police Station, the case is that on receipt of specific information from the Superintendent of Police, Hailakandi dated 22.11.2024 regarding circulation/sharing of child pornography video, the matter was enquired into by the authorities of Lala Police Station and after going through the Cyber Tipline report, the petitioner was found to be involved in the downloading, storing and sharing of child pornography video that is illegal as per the POCSO Act, 2012. Accordingly, the petitioner was apprehended, his mobile phone was seized and he was taken into custody on 10.12.2024.

4) Mr. Parasar, learned APP, Assam on obtaining instruction submitted that though the Investigating Officer of the case approached the Court of learned Special Judge (POCSO), Hailakandi for adding Sections 15(1) and 15 (2) of the

POCSO Act, 2012. But, as of now, no order has been passed in the said application and expected to be passed today.

5) Since the mobile phone of the petitioner has already been seized by police and after proper investigation, the petitioner has been found to be involved in such crime of downloading, storing and sharing of child pornography video and he was taken into custody on 10.12.02024.

6) Considering his detention in custody since 10.12.2024 in said **Lala P.S. Case No. 200/2024**, registered under Sections 14/15 of the POCSO Act, 2012, the Court is of the view that further custodial detention of the petitioner is not warranted for investigation of said Lala P.S. Case.

7) Accordingly, the petitioner, namely, **Rabi Hasan Mazumder @ Rafi**, son of Late Abul Kalam Mazumder, shall be released on bail in said **Lala P.S. Case No. 200/2024** on furnishing a bail bond of Rs. 75,000/- with two local sureties each of the like amount, one of which shall be a government employee, either State Government or Central Government, to the satisfaction of the learned Special Judge (POCSO), Hailakandi on conditions that the petitioner **(i)** shall appear before the Investigating Officer of said **Lala P.S. Case No. 200/2024** as and when he is required for necessary investigation of said Lala P.S. Case; **(ii)** shall not leave the territorial jurisdiction of the **Lala** Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(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 and **(vi)** shall not indulge himself in any such criminal activities in future, failing which, the bail granted to him in said **Lala P.S. Case No. 200/2024** shall

stand automatically vacated.

8) Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned **Lala P.S. Case No. 200/2024** shall stand automatically vacated.

9) Bail application is accordingly stands allowed.

JUDGE

Comparing Assistant