

GAHC010279532023



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

Case No. : AB/4180/2023

ABDUL HAKIM
S/O LATE OSMAN FAKIR @ USMAN FAKIR, R/O VILL- BORTALOWA, .O.
DHALIGAON, P.S. KAJALGAON, DIST. CHIRANG, BTR, ASSAM, PIN-783385

VERSUS

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

2:MD. HAIF ALI
(INFORMANT)
S/O LATE OSMAN FAKIR @ USMAN FAKIR
R/O VILL- BORTALOWA
P.O. DHALIGAON
P.S. KAJALGAON

DIST. CHIRANG
BTR
ASSAM
PIN-78338

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

06-02-2024

Heard Mr. AAR Karim, learned counsel for the petitioner, namely, **Sri Abdul Hakim**, who has filed this application under Section 438 of Cr. P.C. seeking Anticipatory Bail as he is apprehending arrest in connection with **Kajalgaon Police Station Case No. 146/2023**, registered under **Sections 294/506/34** IPC read with Section 12 of the POCSO Act, 2012.

Also heard Mr. M. P. Goswami, learned Addl. PP, Assam and Mr. B. J. Mukherjee, learned counsel for the respondent no. 2.

I have considered the submissions at the Bar and I have also perused the Case Diary.

Learned counsel for the respondent no. 2 has raised serious objection stating that the victim who is only 14 years old is being threatened by the petitioner. The petitioner has an overbearing personality and he is the uncle of the victim. It is submitted on behalf of the petitioner that earlier an FIR was lodged against the victim's father and family members by the petitioner's wife and that FIR was registered earlier to the present FIR. This present FIR is a counter blast and that FIR was registered subsequently to the present FIR which was registered on the same day but the earlier FIR was registered at about 8:45 am on the same day.

It has surfaced through both the FIRs that a family dispute is prevalent between both the parties. There are allegation and counter allegations against both the parties. I have considered the submission that the petitioner is 52 years and he is the sole breadwinner of his family. I have also considered the submission that the petitioner being a local resident is not a flight risk. I have also considered the age of the petitioner and the submission on behalf of the petitioner that he is willing to abide by any bail conditions.

The CD also reveals that the investigation is almost complete.

Considering all aspects, the bail application is allowed. Accordingly, it is directed that in the event of his arrest the above named petitioner shall be enlarged on bail of **Rs.50,000/-** (Rupees Fifty Thousand) with a surety of like amount to the satisfaction of the arresting

authority under the following conditions:-

1. The petitioner shall appear before the IO within 10 days and cooperate with the investigation.
2. The petitioner shall not go near the vicinity of the victim and her family members.
3. The petitioner shall not leave the jurisdiction of the Court without prior permission till completion of the trial.
4. The petitioner shall not exercise threats to the victim and the witnesses.
5. The petitioner shall not jump the bail.

On breach of any of the aforesaid bail conditions, bail order shall stand cancelled.

Send back the Case diary.

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

JUDGE

Comparing Assistant