GAHC010007122020

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

Case No. : Bail Appln. 119/2020

1:HASEN ALI
S/O LATE ASHARUDDIN, VILL-SATIHARA, P.O.-MANGALDAI, P.S.-SHYAMPUR, DIST-DARRANG (ASSAM), PIN-784125

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30-01-2020

Heard the learned counsel, Mr. K. Rahman, appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

By this application under Section 439 of the Cr.P.C., the accused petitioner, namely, Hasen Ali, has prayed for bail in connection with Special (POCSO) Case No. 74/2019, arising out of Shyampur P.S. Case No. 73/2019, registered under Sections 420/376/120(B)/313/511/294/506/34 of the Indian Penal Code *read with* Section 4 of the POCSO Act (corresponding to G.R. Case No. 1853/2019).

The petitioner herein, Hasen Ali, has been facing trial in a case under Section 376 of the Indian Penal

Code. Originally, Section 4 of the POCSO Act was also there but later on, the charge of the Section 376 only of the Indian Penal Code has been framed against the petitioner.

It is alleged in the F.I.R. that the petitioner had physical relationship with a minor girl on multiple occasions on an promise of marriage. The girl became pregnant later on. Her family members tried to terminate her pregnancy, but failed. Now, the petitioner has allegedly denied his role in the aforesaid act.

The petitioner has been in judicial custody since 25.06.2019. This Court is of the opinion that the accused petitioner does not deserves to be detained in the custody for any further period of time and therefore, the instant petition for bail is allowed. Accordingly, it is directed that the accused petitioner, namely, Hasen Ali, shall be released on bail on furnishing a bail bond of Rs. 10,000/- (Rupees ten thousand) only with a surety of like amount subject to the satisfaction of the learned Special Judge, Darrang.

The bail petition is, accordingly, disposed of.

JUDGE

Comparing Assistant