GAHC010160962020

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

Case No. : Bail Appln./2466/2020

ABUL HUSSAIN
S/O LATE HAZRAT ALI, R/O VILL. NO. GORAIMARI, P.S.-PANBARI, DIST-CHIRANG, BTAD, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

B.A. No.2466 of 2020

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

03-12-2020

This is an application made under Section 439 Cr.P.C., seeking bail by the accused-petitioner, namely, ***Abul Hussain*** in connection with ***Panbari P.S. Case No.161/2020***, registered under Sections ***448/376/511*** of the Indian Penal Code, read with Section 8 of the POCSO Act.

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. NJ Dutta, learned Additional Public Prosecutor, Assam for the Respondent State.

Case diary produced has been perused, including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In her such statement, she has stated that she was in love with the petitioner, yet she has not complained of any such act on the part of the petitioner to attract the provisions of Section 376 of the Indian Penal Code or Section 8 of the POCSO Act. In the absence of any complaint to attract the aforesaid provisions of law and considering the fact that the petitioner has been in custody for 49 days as on date, he deserves to be granted bail.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of Rs.10,000/- with one suitable surety of the like amount, to the satisfaction of learned jurisdictional Special Judge.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned jurisdictional Special Judge, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

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

Return the case diary.

JUDGE

Comparing Assistant