GAHC010168742020

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

Case No. : Bail Appln./2615/2020

MD. AJIJUL HOQUE
S/O JURAN ALI, R/O VILL-2 NO DAKSHIN RANGAPANI, P.S.-BOKO, DIST-KAMRUP (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD. A A KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 17-12-2020

Heard Mr. A Ahmed, learned counsel for the petitioner as well as Mrs. A Begum, learned Additional Public Prosecutor appearing for the State respondent.

This is an application, filed under Section 439 of the Cr.PC. seeking bail of the petitioner, namely, ***Md. Ajijul Hoque,*** in connection with ***Boko P.S. Case No. 1034/2020*** registered under Section 376 of the IPC read with Section 4 of the POCSO Act.

Perused the case diary produced before this Court.

The investigation remains there where it was on 24.09.2020. No investigation appears to have been carried out after 24.09.2020, as found from the examination of the case diary. On the other hand, in the instant case, the FIR was lodged after 8 (eight) months from the date of the alleged occurrence. The petitioner has been in custody for 88 (eighty eight) days, as on date.

Considering such fact, taken together with the length of detention of 88 (eighty eight) days and the stage of investigation of the case, this Court is of the view that this is a fit case to grant bail to the petitioner. Therefore, granted.

Accordingly, the petitioner, named above, shall be released on bail in connection with ***Boko P.S. Case No. 1034/2020*** on furnishing bail bond of Rs. 15,000/- with a suitable surety of the like amount, to the satisfaction of learned Special Judge, Kamrup, Amingaon.

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

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

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

(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.

Return the case diary.

This petition stands disposed of accordingly.

JUDGE

Comparing Assistant