

GAHC010241332019



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

Case No. : Bail Appln. 3020/2019

1:MD. SAHED ALI
S/O LATE SEKANDER ALI, R/O VILL-JAPIA, P.S.-HAJO, DIST-KAMRUP,
ASSAM

VERSUS

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

Advocate for the Petitioner : MR N J DAS
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 30-09-2019

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Md. Sahed Ali**, in connection with **Kayan Police Station Case No. 55 of 2019**, registered under **Section 10 of the POCSO Act**.

I have perused the petition including the copy of the FIR and the documents annexed therewith.

Heard Mr. NJ Das, learned counsel appearing for the accused-petitioner and Mr. NJ Dutta, learned Additional Public Prosecutor, appearing for the State.

The accused-petitioner was arrested on 24-08-2019 and since then he has been in custody for a period of 35 days as on date.

The learned counsel for the accused-petitioner, referring to Annexure-C, at page 14, the medical certificate, issued by the Department of Psychiatry, Gauhati Medical College and Hospital, Guwahati, has submitted that the accused-petitioner has been suffering from 90% mental disability.

Considering the specific ground of ailment of the accused-petitioner, this Court is of the view that his further custodial detention is not necessary in the interest of investigation of the case. That being so, the accused-petitioner is 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.15,000/-** with **a suitable surety** of the like amount, to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rangia.

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

- (a) shall not leave the territorial jurisdiction of learned Sub-Divisional Judicial Magistrate, Rangia, 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.

JUDGE

Comparing Assistant