

GAHC010259062019



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

Case No. : Bail Appln. 3251/2019

1:ABDUR RAJJAK MONDAL @ MD REZZAK MONDOL
S/O LT. ANOWAR HUSSAIN, R/O DOLAIGAON, P.S. BONGAIGAON, P.O.
NORTH BONGAIGAON, DIST. BONGAIGAON, ASSAM

VERSUS

1:STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. B GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 31-10-2019

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Abdur Rajjak Mondal @ Md. Rezzak Mondol**, in connection with **Bongaigaon Police Station Case No. 550 of 2019**, registered under **Section 4 of the POCSO Act, 2012**.

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

Heard Ms. B Gogoi, learned counsel appearing for the accused-petitioner and Mr. H Sarma, learned Additional Public Prosecutor, appearing for the State.

The accused-petitioner has been in custody with effect from 01-08-2019, for a period of 91 days as on date.

It has been submitted by the learned counsel for the petitioner that investigation has not been completed and charge-sheet has not been laid in this case. However, there is no material before this Court, as of now, as to whether charge-sheet has been laid or investigation has been completed.

That being so, this Court is of the view that the accused-petitioner 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.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of learned jurisdictional Special Judge under the POCSO Act, provided that investigation has not been completed and charge-sheet has not been laid within 90 days.

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 under the POCSO Act, without prior written permission from him;

(b) shall not hamper with the investigation of the case and 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.

However, it is made clear that in the event charge-sheet has been laid and investigation has been completed in this case within 90 days, then this order shall not be given effect to.

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

JUDGE

Comparing Assistant