

GAHC010129122021



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

Case No. : AB/2480/2021

HASANUR ISLAM @ HASANUR RAHMAN AND ANR
S/O LALCHAN ALI
R/O VILL- BHARALKUNDI PART- VIII,
P.S. JOGIGHOPA, DIST. BONGAIGAON, ASSAM

2: LALCHAN ALI
S/O JURAN ALI
R/O VILL- BHARALKUNDI PART- VIII

P.S. JOGIGHOPA
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:ASHAN ALI
S/O LATE MAZID ALI
R/O BHARALKUNDI PART-VIII
P.S. JOGIGHOPA
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR K HUSSAIN

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE HITESH KUMAR SARMA

30-09-2021

This is an application, filed under **Section 438 of the Cr.PC.** seeking pre-arrest bail of the accused-petitioners, namely, **1) Hasanur Islam @ Hasanur Rahman and 2) Lalchan Ali** in connection with **Jogighopa P.S.Case No.272/2021** registered under **Sections 342/376** of the Indian Penal Code, read with Section 4 of POCSO Act.

Heard Mr. S. Munir, learned counsel on behalf of Mr. P.K. Kalita, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam appearing for the Respondent State.

Perused the petition and the annexures furnished therewith.

Also perused the case diary produced, particularly the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In her such statement, the victim has categorically stated that although she went to the house of the accused petitioners, yet was not called there by the accused petitioners nor she has made any allegation of sexual harassment upon her by the petitioners. There is absolutely no statement made against the petitioners implicating commission of the alleged offence by the victim.

On the other hand, learned Additional Public Prosecutor has fairly agreed that there is no material in the case diary to justify custodial interrogation of the petitioners.

That being so, this Court finds that this is a fit case for granting the privilege of pre-arrest bail to the petitioner and, hence, granted.

Accordingly, it is provided that in the event of arrest of the petitioners above named, in connection with the case aforementioned, they shall be released on bail on furnishing bail bond of Rs.10,000/- each, with a suitable surety each of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners :

(a) shall appear before the Investigating Officer of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(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.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant