

GAHC010257822022



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

Case No. : Bail Appln./3506/2022

JAIDUL ISLAM
S/O NUR HUSSAIN
R/O VILL- PORAGAON
P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA, ASSAM

VERSUS

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

2:JANIF ALI
S/OLATE IYAD ALI
R/O VILL- BOGURIGURI PATHAR
P.S. SORBHOG
DIST. BARPETA
ASSA

Advocate for the Petitioner : MR. N N JHA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

28.12.2022

Heard Mr S A B Khabir, learned counsel for the petitioner and Mr B Gogoi,

learned Additional Public Prosecutor for the State of Assam.

By filing this application under 439 CrPC, the accused petitioner, Jaidul Islam, has prayed for bail, who has been arrested on 29.09.2022, in connection with Sorbhog PS Case No. 136/2022, under Sections 419/315 IPC, read with Section 4 of the POCSO Act, 2012.

It is submitted by learned counsel for the accused petitioner that as the accused petitioner, Jaidul Islam, has been detained in judicial custody since 29.09.2022, he has completed the mandatory period of 90 days in judicial custody. So, bail may be granted to him, in view of the period of detention undergone by him.

On the other hand, learned Additional Public Prosecutor has also raised no objection on the prayer made on behalf of the petitioners.

I have considered the submissions made by the learned counsel for both the parties. I have also gone through the documents annexed with the petition.

There is no any prayer made by the Investigating Officer, requiring further detention of the accused petitioner and the charge sheet has also not been submitted against the petitioner during the period of his detention. As such, the accused petitioner is entitled to default bail.

Accordingly, it is provided that on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand), only, with two sureties of like amount to the satisfaction of the learned Additional Sessions Judge –cum- Special Judge, POCSO, Barpeta, the accused petitioner, namely, Jaidul Islam, who has been languishing in jail hazot, since 29.09.2022, in connection with Sorbhog PS Case No. 136/2022, under Sections 419/315 IPC, read with Section 4 of the POCSO Act, 2012, be enlarged on bail. However, it is made clear that the learned Additional Sessions Judge-cum- Special Judge, POCSO, Barpeta, will be at liberty to impose any other conditions, he may deem fit and proper, at the time of releasing the accused petitioner on bail.

The bail application stands disposed of.

JUDGE

Comparing Assistant