

GAHC010235712023



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

Case No. : Bail Appln./3811/2023

PIYAR ALI
S/O ABDUL MALEK @ MALEK ALI
R/O VILL- BALAPARA
P.S. JOGIGHOPA,
DIST. BONGAIGAON
PIN-783389

VERSUS

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

2:ABDUL MAZID KHAN
S/O LATE JAMAL UDDIN AHMED
R/O VILL- KALPANA NAGAR

WARD NO. 13
P.S. GOALPARA
DIST. GOALPARA
ASSAM
PIN-78310

Advocate for the Petitioner : MR J K Bhuyan

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

31.10.2023

1. Heard Mr. B. Deori, learned counsel appearing for the petitioner as well as Mr. K.K. Parasar, learned Addl. Public Prosecutor for the State respondent.
2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Piyar Ali, who is in judicial custody since 05.10.2023 in connection with Jogighopa P.S. Case No. 259/2023, registered under Section 6/17 of the POCSO Act, 2012 read with Section 9/10/11 of the Prohibition of Child Marriage Act, 2006.
3. Notices were issued to the respondent no. 2 but the service report on respondent no. 2 is awaited. The postal talabana is also annexed with the copy of notice.
4. I have considered the submissions at the Bar with circumspection and I have also perused the case diary.
5. It is submitted at the Bar that the statements of the witnesses does not incriminate that marriage have taken place between the petitioner and the victim.

6. I have also considered the submission that in the case when there is no solemnization of marriage between the petitioner and the victim as alleged in the FIR, no case under Section POCSO Act exists against the petitioner.

7. After scrutinizing the case diary and after considering the submissions at the Bar, I deem it a fit case to grant bail to the petitioner.

8. The petitioner is to be enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge, FTC, North Salmara, Abhayapuri, Bongaigaon.

Accordingly, bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant