

GAHC010237752023



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

**Case No. : Bail Appln./3806/2023**

ROHIM BOXO @ RAHIM BAKXA  
S/O NUR BOXO  
VILL- BORGHOLA PT.I, P.S. JOGIGHOPA  
DIST. BONGAIGAON, ASSAM

VERSUS

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

2:MINHAZ AHMED  
SECRETARY CUM CHILD MARRIAGE PROBATION OFFICE OF THE  
SAKARGHOLA PANCHAYAT

VILL- SANKARGHOLA  
P.O. CHALANTAPARA  
P.S.  
JOGIGHOPA  
DIST. BONGAIGAON  
ASSAM  
PIN-78338

**Advocate for the Petitioner : MR. A T SARKAR**

**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. A.T. Sarkar, learned counsel appearing for the petitioner as well as Mr. K.K. Parasar, learned Addl. Public Prosecutor for the State respondent no. 1 and Mr. S. Handique, learned counsel representing the respondent no. 2, Secretary-Cum- Child Marriage Probation Officer of the Sankarghoal Panchayat.

2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Rohim Boxo @ Rahim Bakxa, who is in judicial custody since 03.10.2023 in connection with Jogighopa P.S. Case No. 251/2023, registered under Section 6/17 of the POCSO Act R/W 9/10/11 of Prohibition of Child Marriage Act.

3. I have considered the submissions at the Bar with circumspection and I have also perused the case diary.

4. It is submitted at the Bar that the victim eloped with the petitioner on her own volition. Both the petitioner and the victim were not of marriageable age when they eloped. At present, the petitioner is married to the victim and they are staying together as husband and wife. Their marriage was solemnized about 14 months back and at present, they are staying together as husband and wife.

The petitioner has pledged to co-operate with the investigation.

5. Considering the submissions at the Bar, petition is allowed.

6. 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, North Salmara, Abhayapuri, Bongaigaon.

Accordingly, bail application stands disposed of.

Send back the case diary.

**JUDGE**

**Comparing Assistant**