

GAHC010092082025



2025:GAU-AS:6966

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

Case No. : Bail Appln./1413/2025

ABDUR REZZAK @ ABDUR RAZZAQUE
S/O- LATE HABEJ UDDIN.
R/O- VILL.- NO.1 DHANSIRIKASH,
P.S- DHULA, P.O- SHYAMTILA,
DIST.- DARRANG, PIN-784190, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:REJIA KHATUN
W/O- IMAN HUSSAIN

R/O- VILL.- GALANDOI TEA ESTATE

P.S- DHULA
DIST.- DARRANG
ASSAM
PIN-78419

Advocate for the Petitioner : MR. I H LASKAR, M. RAHOMAN, J MEDHI, MR. R. KARIM, MR. P DAIMARY, MR. P K DEKA

Advocate for the Respondent : PP, ASSAM, MR. M S ALAM (R-2)

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

30.05.2025

Heard Mr. P. K. Deka, learned counsel for the petitioner and Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam, for the State/respondent No. 1. Also heard Mr. M. S. Alam, learned counsel for the informant/respondent No. 2.

2) The petitioner, namely, **Abdur Rezzak @ Abdur Razzaque**, son of late Habej Uddin, resident of village No. 1, Dhansirikash, Police Station-Dhula, District-Darrang has filed this application on 30.04.2025 under Section 483 BNSS, 2023, seeking his bail in **Dhula Police Station Case No. 21/2025**, registered under Section 6 of the POCSO Act, 2012, corresponding to G.R. No. 157/2025, wherein, he was arrested on 26.02.2025 and is in custody since then.

3) As per the FIR dated 26.02.2025 lodged by the complainant/informant/respondent No. 2 before the Panbari Outpost under the jurisdiction of Dhula Police Station, the case is that the petitioner, who is a teacher of the school in which the minor victim girl is studying as a student; enticed the said minor victim girl and raped her by taking her to his room and other places. As the matter was revealed to the informant by her daughter on 25.02.2025, the FIR was lodged on 26.02.2025.

4) The said FIR of the informant/complainant dated 26.02.2025 was accordingly registered as Dhula Police Station Case No. 21/2025 under Section 6 of the POCSO Act, 2012, corresponding to G.R. No. 157/2025 and the petitioner was apprehended on 26.02.2025.

5) After his arrest, the petitioner was produced before the learned Special Judge (POCSO) -cum- Sessions Judge, Darang, Mangaldai on 26.02.2025 and is in custody since then.

6) Case diary is placed before the Court today by Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam.

7) From the case diary, it is seen that the statement of the minor victim girl was recorded on 27.02.2025 by the learned Judicial Magistrate First Class, Darrang, Mangaldai.

8) From the case diary, it is also seen that the medical examination of the minor victim girl was done on 28.02.2025.

9) However, the case diary of said Dhula P.S. Case No. 21/2025 is only up to 31.03.2025 and after 14.03.2025; there was no investigation in said Dhula P.S. Case No. 21/2025.

10) On being enquired, Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam submitted that charge-sheet in said Dhula P.S. Case No. 21/2025 has not been filed till date.

11) In the meanwhile, the petitioner, since 26.02.2025 has completed 93 days in custody, as on today and hence completed the mandatory period of detention. Therefore, the petitioner is entitled for his default bail in said Dhula P.S. Case No. 21/2025.

12) Accordingly, the petitioner, namely, **Abdur Rezzak @ Abdur Razzaque**, son of late Habej Uddin is granted default bail in said Dhula P.S. Case No. 21/2025 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties, each of the like amount to the satisfaction of the learned Special Judge (POCSO) -cum- Sessions Judge, Darang, Mangaldai subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Dhula P.S. Case No. 21/2025, as and when he is required for necessary investigation of the said case;

ii) shall not leave the territorial jurisdiction of the Dhula Police Station without obtaining prior written permission from the learned Special Judge (POCSO) -cum- Sessions Judge, Darang, Mangaldai;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) 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 them from disclosing such facts to the Court or to any police officer;

v) shall not come to the vicinity of the minor victim girl;

vi) shall not threaten the minor victim girl or any other members of her family, by himself or by anyone or by others, acting on his behalf; and

vii) shall not indulge himself in any criminal activities in the future.

13) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Abdur Rezzak @ Abdur Razzaque**, son of late Habej Uddin, the bail granted to him in said Dhula P.S.

Case No. 21/2025 shall stand automatically vacated.

14) Accordingly, this bail application stands disposed of.

15) Return the case diary herewith.

JUDGE

Comparing Assistant