
(2021) 05 GAU CK 0024

In the Gauhati High Court

Case No : Bail Application No. 971 Of 2021

Emran Hussain @ Md. Emran Ali

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 366, 376D

Protection Of Children From Sexual Offences (POCSO) Act, 2012 — Section 4

Citation : (2021) 05 GAU CK 0024

Hon'ble Judges : Kalyan Rai Surana, J

Bench : Single Bench

Advocate : Md. R Ali

Final Decision : Disposed Off

Judgement

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. T.K. Mishra, learned APP appearing for the State.

The matter has been heard though remote video conferencing because of the Covid-19 protocol in force.

The petitioner, who was arrested on 11.02.2021 is seeking bail under section 439 Cr.P.C. in connection with Nagaon P.S. Case No. 269/2021 under

section 366/376(D) IPC read with section 4 of Page No.# 2/3 the POCSO Act, 2012.

The learned APP has produced the case diary.

The case diary reveals that the victim was 17 years old on the date of offence. However, in the statement recorded under section 164 Cr.P.C., the

victim has not made allegation about gang rape and has implicated the petitioner alone.

Considering the length of detention, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary.

Hence, the Court is inclined to grant bail to the petitioner, namely, Emran Hussain @ Md. Emran Ali in connection with the aforesaid case on

furnishing bail bond of Rs.20,000/- with one suitable surety of like amount to the satisfaction of the learned Special Judge, Nagaon.

The bail is granted on the following conditions:

1. That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. That the petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. That the petitioner shall not obstruct the smooth progress of the investigation/ trial.
4. That the petitioner shall not commit the offence similar to the offence to which he is accused or suspected.
5. That the petitioner shall not misuse his liberty in any manner.
6. That the petitioner shall not jump over the bail.
7. That in the event the petitioner is found involved in any similar offence, it would be open to the investigating agency to apply before the competent Court of law for cancellation of bail.
8. That the petitioner shall not leave the jurisdiction of Nagaon P.S. without prior information to the I/O of the case.
9. That the petitioners shall appear before the I/O of the case once in a month till charge- sheet is submitted.

The petitioner is granted liberty to produce a downloaded copy of this order before the learned Special Judge, Nagaon, who would be at liberty to verify the correctness of the order from the website of the Court.

This application stands disposed of.

Case diary is returned.