

Misc. CrI. Case No. 435 of 22

21-09-2022

This record is put up before me today along with the original case diary which has been made over to this court by the Hon'ble Sessions Judge, Sonitpur, Tezpur.

Seen the order dated 20-9-22 passed by Id. Assistant Sessions Judge, Sonitpur, Tezpur where it has been mentioned that after perusal of the case diary it is seen that though the case was initially registered U/s 366 IPC, subsequently Sec 376 IPC and Sec 6 of POCSO Act were added. Hence, this bail petition was made over to this court.

Put up this Misc. CrI. Bail petition along with the case record. It is seen from order dated 30-8-22 passed by Id. Chief Judicial Magistrate, Sonitpur, Tezpur that Sec 376 IPC and Sec 6 of POCSO Act were added along with the original Sec 366 IPC.

This is a bail petition U/s 439 CrPC filed by petitioner Md. Jahir Ali on behalf of the accused **Baharul Islam** in connection with Tezpur PS case No.855/22 (GR case No.1635/22) U/s 366/376 of IPC read with Sec 6 of the POCSO Act stating that the accused is an innocent person and police has arrested him on false and concocted grounds. He is ready to abide by any conditions if he is allowed to go on bail. The actual fact is that the victim girl and the accused person were in love relationship since long and the accused never kidnapped the victim girl. The victim girl eloped with the accused voluntarily the accused is the sole bread earner of his family. He is a permanent resident of the given address, hence there is no chance of absconding.

The case diary is already with the record. Heard Id. counsel for the petitioner as well as Id. Spl.P.P.P. and perused the record and the case diary carefully. I find that this is a case U/s 366/376 of IPC read with Sec 6 of the POCSO Act. I have also gone through the 164 CrPC statement of the victim. From perusal of the

case diary I find that the medical report is not in the case diary. The accused is in judicial custody since 12-08-22. Hence, considering the nature of offence and nascent stage of investigation, this bail petition is rejected at this stage.

Return back the case diary.

Misc. case is disposed of accordingly.

Tag a copy of this order in the case record.

Judge,
Special Court, POCSO
Sonitpur, Tezpur