

GAHC010037462023



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

Case No. : Bail Appln./656/2023

CHINTUMONI BARMAN
S/O RAJU BARMAN
R/O KALYAN NAGAR
P.S. GOTANAGAR
GUWAHATI, DIST. KAMRUP, ASSAM
PIN-781011

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS D KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 10.03.2023

Heard Ms. D Kalita, learned counsel for the accused petitioner as well as Mr. RJ Baruah, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Chintumoni**

Barman has prayed for grant of bail in connection with **Jalukbari P.S. Case No.64/2023** under Section 6/17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9/10/11 of the Prohibition of Child Marriage Act.

The case diary is placed before the court.

Ms. D Kalita, learned counsel for the accused petitioner, submits that the accused has been languishing in jail since 03.02.2023 despite being innocent. Mr. Kalita further submits that the accused's wife is now pregnant and as such, if he is not released on bail, his wife may be deprived of medical treatment required for the safe and healthy birth of the baby in womb.

Mr. RJ Baruah, learned Additional Public Prosecutor submits that the victim woman in her statements under Section 161 and 164 CrPC, has not implicated the accused petitioner rather stated that she is very happy with her accused husband. Mr. Baruah also submits that the medical report shows that the accused's wife is carrying pregnancy.

The FIR reveals the allegation that the informant while he was on field duty came across an information that the present accused petitioner married a minor girl and she has been carrying pregnancy of 9 months.

It is noticed that the accused petitioner has been in judicial custody for 36 days since 02.02.2023.

The medical report shows that the victim woman is aged about 18 years and she is carrying pregnancy of 9(nine) months.

The victim woman failed to produce her Birth Certificate before the investigating officer, on demand.

Upon consideration of the evidence available on the case diary and the period of detention, this Court is of the opinion that further continuation of detention of the accused in the interest of the ongoing investigation is not warranted.

In the premises, it is provided that the accused petitioner named above shall be released on furnishing bail bond of **Rs. 25,000/- (Twenty Five Thousand)** with one surety of like amount to the satisfaction of the learned **CJM, Kamrup (M), Guwahati** subject to the following conditions- :

- (i) That the accused petitioner shall cooperate with the Investigating

Officer as and when required; and

- (ii) That the accused 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 the Police Officer or the Court.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant