

GAHC010090052023



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

Case No. : Bail Appln./1566/2023

NARAHARI BARMAN
S/O SUKUMAR BAMAN
R/O VILL- KALJHAR, P.S.HOWLI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : B KHAKHLARY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

25.07.2023

Heard Ms. M.B. Borgohain, learned counsel for the accused petitioner. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely **Narahari Barman** has prayed for grant of bail in connection with **Sessions (Spl.) Case No.100/2022** pending in the Court of learned Special Judge (POCSO), Kamrup (M) arising out of **Bhangagarh P.S. Case No.273/2022** under Sections **364A/307** of the IPC read with Sections **10/15** of the POCSO Act.

The scanned copy of case record is placed before the Court.

The FIR reveals the allegation that on 15.09.2022, the accused petitioner, who worked as driver in the house of the informant, had kidnapped her minor daughter and directed the informant to come for her release with an amount of Rs.7,00,000/-. When one staff of the informant tried to rescue the victim, the accused attacked him as well as the victim with a dagger causing various injuries. It is also alleged that the accused petitioner touched and took some videos of the private parts of the victim and threatened to make those viral in the internet if he was apprehended by police. However, on being informed by the father-in-law of the informant, the police went to the place of occurrence and rescued the victim.

It is noticed that the accused petitioner has been in judicial custody since 16.09.2022, that is, for 313 days.

Perusal of the case record shows that the learned trial Court framed charges under Sections 364A/307 of the IPC read with Sections 10/15 of the POCSO Act against the accused petitioner vide order, dated 21.01.2023. Thereafter, out of the 14(fourteen) listed witnesses 6(six) prosecution witnesses are examined so far. Material witnesses including the informant and the victim have already been examined. Therefore, this Court is of the opinion that if the

liberty of bail is granted to the accused petitioner, who has been in judicial custody for the last 313 days, the remaining part of trial is unlikely to be hampered.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** only with two sureties surety of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Kamrup (M)** subject to the following conditions-

- i) That the accused/petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of;
- ii) That the accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses, who are acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court; and
- iii) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

This disposes of the bail application.

JUDGE

Comparing Assistant