

GAHC010097392023



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

Case No. : Bail Appln./1598/2023

ASHIK LAL YADAV @ JALIM
S/O LT. KRISHUNDHARI YADAV R/O VILL. BAR MATIKHOLA P.O. AND P.S.
KHERONI DIST. WEST KARBI ANGLONG ASSAM PIN 782448

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.06.2023

Heard Mr. R Ali, learned counsel for the petitioner as well as Mr. B.B.Gogoi, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Ashik Lal Yadav @ Jalim** has prayed for grant of bail in connection with **Special POCSO Case No.08/2022** (Old No. Special POCSO Case No.05/2021) arising out of Kheroni PS Case No.27/2021 under Sections

365 of IPC r/w Section 4 of POCSO Act pending in the Court of learned Special Judge (POCSO Act), Hamren, West Karbi Anglong.

The case record is placed before the Court.

It is submitted by Mr. R Ali, learned counsel for the petitioner that the petitioner was arrested on 08.04.2021 and he was forwarded to judicial custody on 09.04.2021 and since then, he has been in judicial custody. Mr. Ali further submits that trial is going on in the court of learned Special Judge (POCSO Act), Hamren, West Karbi Anglong and the evidence of the victim was recorded and as such, considering the period of detention, the prayer for bail of the petitioner may be allowed.

On the other hand, Mr. B.B. Gogoi, learned Addl.Public Prosecutor has submitted that the victim girl was minor at the time of the alleged incident and the offence was committed under Section 365 of the IPC r/w Section 4 of the POCSO Act. Mr. Gogoi also submits that from the statement of the evidence of the victim girl, it reveals that there was a love affair between the victim and the petitioner and as a result of which, she has been eloped with the petitioner.

Having heard the learned counsel for the parties and on perusal of the records and considering the prolonged period of detention of the petitioner who was arrested on 08.04.2021, the prayer for bail of the petitioner is allowed.

Accordingly, it is provided that the petitioner, named above shall be released on bail of **Rs. 25,000/- (Twenty Five Thousand)** with two sureties of like amount to the satisfaction of the learned **Special Judge (POCSO Act), Hamren, West Karbi Anglong**, subject to the following conditions- :

- i) That the petitioner shall not leave the territorial jurisdiction of learned Special Judge, West Karbi Anglong, Hamren,
- ii) That the 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;
- iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the prosecution witnesses.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant