

GAHC010116182023



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

Case No. : Bail Appln./1878/2023

BIKI DAS
S/O LATE UMESH DAS
R/O LACHIT NAGAR,
RAJGARH ROAD,
P.S. PALTAN BAZAR,
DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

19.06.2023

Heard Mr A K Azad, learned counsel, appearing on behalf of the petitioner. Also heard Mr B Sarma, learned Additional Public Prosecutor for the State of Assam. Also perused the Case Diary.

2. The petitioner, Biki Das, who is in jail since 02.04.2023, has preferred this application under Section 439 CrPC, seeking bail in connection with Paltanbazar PS Case No. 135/2023, under Sections 376(3)/511 IPC, read with Section 8/18 of the POCSO Act and read with Section 75 of the Juvenile Justice Act.

3. Learned counsel for the petitioner has submitted that the accused petitioner has been languishing in jail hazot since 02.04.2023 and has completed 78 days in jail hazot. So, he has prayed that considering the period of detention, the petitioner may be released on bail.

4. On the other hand, learned Additional Public Prosecutor submits that the petitioner is the father of the victim. On perusal of the Case diary, it reveals that the victim had love relationship with some other boy and the petitioner who is the father of the victim obstructed her to do so, for which, the victim had lodged FIR against her father.

5. I have heard the submissions made by the learned counsel for both the parties. I have also perused the Case Diary, along with the statement of the victim recorded under Section 164 CrPC, which reveals that on 27.03.2023, when the victim went to one of her friend's house, her father, i.e., the petitioner lodged a missing complaint of the victim before the Police, whereafter, the victim had made allegations against the petitioner.

5. In view of the above and considering the submissions made by the learned counsel for both the parties, this bail application is allowed. Accordingly, it is hereby directed that the petitioner, namely, Biki Das, shall be released on bail on furnishing bail bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the learned Special Judge (POCSO), Kamrup (Metro), Guwahati, in connection with the aforesaid case. The bail granted to the petitioner shall be subject to following conditions:-

(a) The petitioner shall not leave the territorial jurisdiction of learned Special Judge (POCSO), Kamrup (Metro), without prior written permission from him;

(b) The petitioner shall not hamper and tamper with the evidence of the case;

(c) 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 them from disclosing such facts to the Court or to any police officer.

7. With the aforesaid directions, this Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant