

GAHC010129272023



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

Case No. : Bail Appln./2083/2023

PATAR ENLENG
S/O SRI BURA ENLENG
R/O VILL- LANGMILI
MOHAN PHANGCHO GAON
P.S. BAKALIA
DIST. KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

25.07.2023

Heard Mr. M. Saikia, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. Public Prosecutor for the State.

2. This bail application under Section 439 Cr.P.C. has been filed by petitioner,

namely, **Patar Engleng**, who has been detained behind the bar since 25.02.2023 (151 days) in connection with Bakalia PS Case No. 18/2023 under Section 366 IPC read with Section 6 of the POCSO Act, 2012 (G.R. Case No. 115/2023).

3. The accusation in this case is that on 25.02.2023 one Shri Mangal Ranghang lodged an FIR before the Officer In-charge of Bakalia Police Station, *inter alia*, alleging that the present petitioner had enticed the younger sister of first informant and eloped her from his house and later on married his younger sister even though the petitioner was a married man having three children. On receipt of the said FIR, Bakalia P.S Case No. 18/2023 was registered and investigation was initiated, ultimately on completion of the investigation, charge-sheet was laid against the present petitioner and on 02.05.2023, charge under section 366 of the Indian Penal Code read with section 6 of the POCSO Act, 2012 was framed against the present petitioner to which the present petitioner pleaded not guilty and claimed to be tried.

4. The learned counsel for the petitioner has submitted that considering the period of detention of the present petitioner i.e. 151 days, he may be allowed to go on bail.

5. The learned Addl. Public Prosecutor, Assam also submits that out of the 11 listed prosecution witnesses in the charge-sheet, 8 have already been examined and the trial is nearing its end. The learned Addl. Public Prosecutor also submits that the victim girl has also been examined.

6. Considering the submissions made by learned counsel for the petitioner as well as the learned Addl. Public Prosecutor and considering the fact that the most of the witnesses, who were listed as prosecution witnesses, have been examined and also the fact that the victim has been examined, further custodial

detention of the present petitioner may not be necessary to ensure fair culmination of trial which he is facing before the Court of learned Special Judge, Karbi Anglong, Diphu.

7. In view of above, the present petitioner, namely, Patar Engleng, is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of learned Special Judge (POCSO), Karbi Anglong, Diphu with a condition that the present petitioner shall continue to co-operate in the trial of POCSO Case No. 17/2023.

8. With the above observation, the instant bail application stands disposed of.

JUDGE

Comparing Assistant