

GAHC010153042023



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

Case No. : Bail Appln./2710/2023

BHUBAN LUKURAKHAN
S/O SRI TANJU LUKHURAKHON
R/O MAJPATHAR,
P.S. TINGKHOOG,
DIST. DIBRUGARH

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:NIKITA GOGOI
D/O DHONIRAM GOGOI
MAJPATHAR

TINGKHONG
DIST. DIBRUGARH

P.O. TINGKHOONG
PIN-78661

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 03.08.2023

Heard Mr. B.P.Borah, learned counsel for the accused petitioner as well as Mr. D.P. Goswami, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Bhuban Lukurakhan** has prayed for bail in connection with **POCSO Case No. 37/2020** arising out of Tingkhong PS Case No.158/2020 under Section 376 of the IPC r/w Section 6 of POCSO Act.

The allegation in the FIR reveals that the present accused petitioner committed physical relation with the informant forcefully on various enticements and he has also threatened her.

It is noticed that the accused petitioner has been in judicial custody for 40 days since 07.06.2023.

Mr. B.P.Borah, learned counsel for the accused petitioner submits that the accused petitioner was granted bail during investigation and thereafter he defaulted on three dates due to lack of communication between the conducting advocates. Mr. Borah further submits that thereafter the accused petitioner was arrested on 07.06.2023 on the strength of NBWA and he is now in judicial custody for 40 days and as such, subject to any condition, he may be granted the liberty of bail.

Perused the orders, dated 01.06.2022, 03.01.2023, 03.04.2022, 07.06.2023 and 22.06.2023 of the learned Additional Sessions Judge, FTC, Dibrugarh.

Having heard the learned counsel for the parties and on perusal of the orders of the learned court below including the averments made in the petition, it appears that the accused petitioner has defaulted in appearance before the learned court below on several dates.

However, considering the length of detention of the accused petitioner in judicial custody for 40 days, this Court is of the considered opinion that further continuation of detention of the accused petitioner is not warranted.

Therefore, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 30,000/-** with 2 (two) sureties of like amount to the satisfaction of the **learned Special Judge (POCSO Act), Dibrugarh** 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; and
- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any of the prosecution witnesses, if any; 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.

Breach of any of the above conditions of bail shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant