

GAHC010159762023



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

Case No. : Bail Appln./2594/2023

ABHIJIT CHATTERJEE
S/O- AJAY KUMAR CHATTERJEE,
R/O- QUARTER NO. 64, BLOCK 4,TYPE 1, SPECIAL GC,
CRPF, 9TH MILE AMERIGOG,
GUWAHATI,P.S- BASISTHA,
DIST- KAMRUP (M), ASSAM.

PERMANENT ADDRES- VILL- DEBIPUR,
P.O- PAPURDIHI, DIST- BANKURA,
STATE-WEST BENGAL

VERSUS

STATE OF ASSAM REP. BY THE PP, ASSAM

2:XXX-XXXX
D/O- LATE ROBIN R/O- SANJARI GAON
P.S- THELAMARA DIST- SONITPUR ASSA

Advocate for the Petitioner : MR. B M CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR
ORDER

Date : 21.09.2023

Heard Mr. B. M. Choudhury, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the

State respondent. None appears for the respondent No. 2/informant though the name of Mr. S. Das, learned counsel, has been reflected in the cause list.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Shri Abhijit Chatterjee**, has prayed for grant of bail in connection with **Session Special Case No. 24/2023** under Section **376(C)** of the IPC, r/w Section **6** of the POCSO Act, r/w Section **75** of J.J. Act.

The scanned copy of the case record along with the case diary, as called for, is placed before the Court.

It is noticed that the accused petitioner has been in judicial custody since 09.12.2022, i.e. for 286 days.

The FIR reveals the allegation of rape on the informant/victim by the accused petitioner.

On perusal of the case record, it appears that there is *prima facie* incriminating material against the accused petitioner subject, of course, to final outcome in investigation.

However, having considered the length of detention in judicial custody and substantial progress in investigation in respect of the accused petitioner's complicity in the alleged offence, this Court is of the considered opinion that further continuation of detention of the accused in the interest of investigation is not warranted.

Therefore, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 40,000/-** with 2 (two) sureties of like amount to the satisfaction of the **learned Special Judge (POCSO Act), Kamrup (M) at Guwahati** 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 remaining prosecution witnesses; 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