

GAHC010163102023



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

Case No. :

Bail Appln./2613/2023

NIPAN DAS
S/O SONESWAR DAS
VILL- JOYKUCHI
P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MS G DEKA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

03.08.2023

1. Heard Mrs. G. Deka, learned counsel for the petitioner. Also heard

Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam.

2. This is an application made under Section 439 Cr.P.C., seeking bail by the accused-petitioner, namely, Nipan Das, in connection with Patacharkuchi Police Station Case No. 256/2023, registered under Section 370/370(A)/372/34 of the Indian Penal Code R/W Sec 4/6 of POCSO Act R/W Sec. 4/5 of Immoral Traffic (Prevention) Act.

3. Case diary is received. Perused the same.

4. It has been submitted by the learned counsel for the petitioner that the accused-petitioner has been detained in custody for last 71 days as on date with effect from 25.05.2023, the date of showing arrest of the petitioner in this case.

5. Learned counsel for the petitioner also submits that the petitioner is in no way involved in the offence as alleged in the FIR.

6. In the instant case, I have heard learned Additional Public Prosecutor who submits that considering the gravity of the offence involved in the instant case he opposes the grant of bail to the present petitioner.

7. I have considered the submissions made by learned counsel for both sides as well as perused the materials available in the case diary, along with the statement of the witnesses recorded under section 161 and 164 Cr.P.C.

8. In view of the above and considering the length of detention, prayer of the petitioner is allowed.

9. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with Patacharkuchi Police Station Case No. 256/2023, registered under Section 370/370(A)/372/34 of the Indian Penal Code R/W Sec 4/6 of POCSO Act R/W Sec. 4/5 of Immoral Traffic (Prevention) Act, on furnishing bail bond of Rs.50,000/- with two suitable sureties of the like amount,

to the satisfaction of learned CJM, Bajali.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Bajali, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

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

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is complete.

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

11. Send back the case diary.

JUDGE

Comparing Assistant