

GAHC010182252023



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

Case No. : Bail Appln./2879/2023

MADHAB BHUYAN
S/O LT. THOGIRAM BHUYAN
R/O BEZGAON, P.S. MAJULI
DIST. MAJULI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE PP, ASSAM

2:SRI HEM CH. DUWARA
S/O JAY DUWARA
R/O RAJGURUBAR

P.S. AND DIST. MAJUL

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 21.08.2023

Heard Mr. A Ahmed, 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, **Madhab Bhuyan**,

has prayed for grant of bail in connection with **Majuli P.S. Case No.67/2023** under Sections 376/511 of the IPC r/w Section 10 of the POCSO Act.

Case diary is placed before the Court.

The allegation in the FIR reveals that on 14.06.2023, the accused petitioner, who is a teacher of Sonapur High School called the daughter of the informant to the Computer Class room and hugged her from behind and touched different part of her body with intention to commit rape.

It is noticed that the accused petitioner has been in judicial custody for 63 days since 20.06.2023.

The victim girl, aged about 15 years, in her statements recorded under Sections 161 and 164 CrPC has implicated the accused petitioner, who is her teacher, with the alleged offence of commission of aggravated sexual assault defined in Section 9 (f) of the POCSO Act which is punishable under Section 10 of the Act. The prescribed punishment for such offence is imprisonment of either description for a term which shall not be less than five years, but which may extend to seven years and shall also be liable to fine and therefore, the maximum detention period is sixty days under Section 167 CrPC. The investigation has substantially progressed. Medical report of the victim is not available on the case diary.

Accordingly, on the ground of length of detention and substantial progress in investigation, this Court is of considered opinion that further continuation of detention of the accused petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above shall be released on furnishing bail bond of **Rs. 40,000/-** with one surety of like amount to the satisfaction of the learned **Special Judge (POCSO Act) Majuli**, subject to the following conditions- :

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- (ii) That the accused 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 him from disclosing such facts to the Police Officer or the

Court; and

- (iii) That the accused petitioner shall refrain from committing any such offence of which he is accused of commission.

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

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant