

GAHC010192782023



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

Case No. : Bail Appln./3065/2023

ABHIJIT TERONG
S/O SRI ANSING TERANG
R/O FULUNG GAON
P.S. SONAPUR
DIST. SONAPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PP, GOVT. OF ASSAM

2:SMT. URMILA KATHAR
W/O LATE SUREN TUMUNG
VILL- MARKANG
P.S. SONAPUR
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. A K SHARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

17.10.2023

Heard Mr A K Sharma, learned counsel for the petitioner.

2. The petitioner, Sri Abhijit Terong, has filed this application under Section 439 CrPC, with a prayer for bail in connection with Sonapur PS Case No. 159/2023, under Sections 376/313 IPC, read with Section 6 of the POCSO Act.
3. The learned counsel for the petitioner has filed an affidavit relating to dasti service, where it is stated that the victim has refused to accept notice. The OC of the concerned PS has also refused to accept the notice through dasti service.
4. It is also submitted on behalf of the petitioner that the incident occurred on 30.03.2023, but the FIR was lodged on 04.08.2023. It is further submitted that the victim is on the verge of attaining majority, as her date of birth is 15.08.2005.
5. Heard Mr B Sarma, learned Additional Public Prosecutor, who has raised serious objection, stating that there are incriminating materials in the Case Diary, against the petitioner. The statement of the victim under Section 164 CrPC, clearly implicates that the petitioner is complicit and the medical report also depicts the evidence of abortion.
6. I have considered the submissions at the Bar with circumspection.
7. The allegation against the petitioner is that he induced the victim to go with him and stay with him, and, thereafter, the petitioner committed forceful sexual assault on the victim, after administering alcohol to the victim. A meeting was held and the villagers were present in the meeting and after the meeting which was held on 08.06.2023 and 25.06.2023, petitioner and his family agreed to take care of the victim and maintain her, but, thereafter, the petitioner committed forceful abortion on the victim by administering medicine.
8. A scrutiny of the Case Diary reveals that the investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the investigation.
9. I have considered the submission that the petitioner is a local resident and he will not evade arrest or appearance.
10. In view of my foregoing discussions, the petition is allowed. The petitioner is

enlarged on bail of Rs. 50,000/- with a suitable surety of the like amount, to the satisfaction of the learned trial Court, under the conditions that:-

- i) the petitioner will refrain from such activities with which he is alleged, failing which, bail order will be cancelled.

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant