

GAHC010231282023



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

Case No. : Bail Appln./3638/2023

PARAMITA CHAKRABORTY
W/O. WAJID HUSSAIN,
R/O. R/P BORGURI IRRIGATION COLONY, P.S AND DIST. TINSUKIA, ASSAM,
PIN- 786125

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM.

2:MISS RAIMA CHAKRABORTY
D/O. SMTI. PARAMITA CHAKRABORTY

R/O. URBAN DHABA
OPPOSITE DURGA MANDHIR

SUBOCHARINI ROAD

P.S AND DIST. TINSUKIA
ASSAM
PIN- 786125

Advocate for the Petitioner : MR. SAILENDRA DEKA

Advocate for the Respondent : PP, ASSAM

EFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.10.2023

Heard Mr. B. Dutta, learned Senior counsel assisted by Mr. S. Deka, learned

counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Paramita Chakraborty**, in connection with **Tinsukia Police Station Case No. 518/2023**, registered under **Section 166A/342/354A/506/509/34 r/w Section 8/17/18 of the POCSO Act with added Section of 376/120B/195A/212 IPC r/w Section 6 of the POCSO Act and r/w Section 14 of the Child Labour Prohibition and Regulation Act.**

It has been submitted by the learned Senior counsel for the petitioner that the petitioner is the mother of the victim and she has been detained in custody for the last 47 days. The allegation made in the FIR is against the step father who had committed the offence as stated in the FIR. The only allegation against the petitioner is that she did not raise any voice when the step father of the victim had committed such offence as alleged in the FIR. Considering the nature of offence as well as length of detention, petitioner may be enlarged on bail.

In response, Ms. Bora, learned Additional Public Prosecutor for the State has raised objection on the prayer of the petitioner by stating that the offence against the petitioner is grievous in nature. It is also submitted that the case diary has not yet been received. Considering the nature of offence, prayer of the petitioner may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties. I have also perused the averments available on record. Considering the fact as well as the length of detention of the petitioner in custody, this Court is of the view that further custodial interrogation of the petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Tinsukia Police Station Case No. 518/2023**, registered under **Section 166A/342/354A/506/509/34 r/w Section 8/17/18 of the POCSO Act with added Section of 376/120B/195A/212 IPC r/w Section 6 of the POCSO Act and r/w Section 14 of the Child Labour Prohibition and Regulation Act**, on furnishing bail bond of **Rs.30,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned CJM, Tinsukia, Assam.

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

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

(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 her release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

That being so, if the petitioner violates any of the above condition(s) in future, the learned Public Prosecutor shall apprise this Court to cancel the bail order.

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

JUDGE

Comparing Assistant