

GAHC010248402023



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

Case No. : Bail Appln./3993/2023

NIPAN HAZARIKA @ NIPON HAZARIKA
S/O SRI. AJIT HAZARIKA, R/O- VILL. ROUMARI BANGALI, P.S .
DHEKIAJULI, DIST- SONITPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY ITS PUBLIC PROSECUTOR.

2:MRS. MOUSUMI BORAH
W/O. SRI HARKANTA BORAH
R/O VILL. ROUMARI BANGULI
P.S - DHEKIAJULI
DIST- SONITPUR
ASSA

Advocate for the Petitioner : MR. N ZAMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 31.10. 2023

Heard Mr. A. Ganguly, learned counsel for the petitioner, Sri Nipan Hazarika @ Nipon Hazarika. Also heard Ms. B. Bhuyan, learned Addl. Public Prosecutor for the State respondent No. 1.

By filing this bail application under Section 439 Cr.P.C., the petitioner has prayed for bail in connection with North Dhekiajuli P.S. Case No. 168/2023 under Sections 448/506 IPC read with Sections 8 and 12 of the POCSO Act, 2012.

It is submitted by the learned counsel for the he petitioner that the petitioner was arrested on 31.08.2023 and since then he has been in custody for the last 62 days and the charge sheet has not yet been submitted against him so he is entitled to be released on bail.

The learned Addl. PP has submitted that the office has informed that the charge sheet has not yet been filed against the petitioner and has raised objection that without hearing the respondent No. 2, the prayer for bail of the petitioner cannot be considered at this stage.

I have considered the submissions at the Bar.

The allegation made against the petitioner is that he has molested the victim on 26.08.2023 and thereafter he threatened to eliminate her. The victim had to rush to the bathroom and the petitioner tried to push open the door and also threatened the victim to kill her while the victim was alone at her residence.

I have also considered the submission that the petitioner has been in judicial custody since 31.08.2023 and the charge sheet has not yet been submitted.

Considering the length of detention, the prayer for bail is allowed. The petitioner above named is enlarged on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Addl. Sessions Judge (POCSO), Sonitpur, Tezpur under the following conditions that:-

1. the petitioner shall refrain from such activities with which he is

suspected,

2. the petitioner will not exercise threats to any person acquainted with the facts of the case,
3. the petitioner shall not hamper or tamper with the evidence of the case,
4. the petitioner shall not leave the jurisdiction of the learned Elaka Magistrate till completion of the trial.
5. The petitioner will not go within the vicinity of the victim and shall not exercise any threat to her to hamper or temper with the evidence.

Bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant