

GAHC010264792022



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

Case No. : Bail Appln./3631/2022

DIPAK KUMAR BHAGAT
S/O- LT. RAM PRASHAD BHAGAT, VILL- BASUGAON, WARD NO. 4, BTC
ROAD, P.S. BASUGAON, DIST.- CHIRANG, ASSAM, PIN- 783372

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

06-01-2023

Heard Mr. M.U. Mahmud, learned counsel for the accused. Also heard Mr. B.B. Ggogi, learned Addl. P.P., Assam, appearing for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, **Dipak Kumar Bhagat**, who has been languishing in jail hajot since 23-11-2022, in connection with the **Basugaon Police Station Case No.65/2022**, registered under Section **354 of the IPC**, read with **Section 9(f) of the POCSO Act**, for grant of bail.

The aforementioned case has been registered on the basis of an FIR lodged by one Mahendra Sutradhar on 23-11-2022, to the effect that with on the same day, in between 9 am to 10 am, accused Dipak Kumar Bhagat, a teacher, sexually assaulted his daughter, who was studying at Raja Ajit Narayan Dev Girls M.E. School, in the school situated at Ward No. 1.

The learned counsel for the accused submits that the accused is behind the bar for last 44 days and that the allegations leveled in the FIR are false, improbable and that the accused is ready to face trial and, therefore, it is contended to allow the petition.

On the other hand, Mr. Gogoi, learned Additional Public Prosecutor submits that he has not received the case diary. However, on obtaining instructions from the concerned Police Station, Mr. Gogoi, learned Additional Public Prosecutor submits that charge-sheet, being CS No. 60/2022, dated 31-12-2022, under Section 354 of the IPC, read with Section 10 of the POCSO Act has been laid against the accused, by the Investigating Officer.

Having heard the submissions of learned Advocates for both sides, I have carefully gone through the petition and the documents placed on record. It appears that the accused is languishing in jail hajat for last 44 days. Investigation of the case has already been completed and charge-sheet has already been laid before the learned Court below.

Since charge-sheet has been submitted in this case, there is no question of hampering the investigation and tampering the evidence of the case. Now, the trial will start and the accused has to prepare his defence.

Having regard to the above, and also considering the submission of learned counsel for the parties, including the fact that the accused is behind the bar for

last 44 days, this Court is inclined to allow the petition. Accordingly, it is provided that on furnishing a bail bond of **Rs. 50,000/- (Rupees Fifty thousand) only**, with **one suitable surety** of the like amount to the satisfaction of the learned Special Judge under the POCSO Act, Chirang, Kajalgaon.

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

The case diary be returned.

JUDGE

Comparing Assistant