

GAHC010269852022



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

**Case No. : Bail Appln./3662/2022**

HIRANYA SAHARIA  
S/O- LATE BRAJEN SAHARIA, PERMANENT RESIDENT OF VILL.- DUNI, P.S.  
SIPAJHAR, DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. N K KALITA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**19.01.2023**

Heard Mr. N.K. Kalita, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Shri Hiranya Saharia, who has been languishing in jail hazot since 18.12.2022, in connection with the Sipajhar P.S. Case No. 547/2022, under

Sections 294[a]/354[A][I][i][ii]/506/34 of the IPC read with section 8 of the POCSO Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Shri Minakhi Talukdar and Shri Joshna Bania, on 17.12.2022. The allegation leveled against the accused in the FIR is that being a teacher he has molested two of his students at Sundubi, where the students were taken by the Teachers of Duni ME School for a picnic.

4. Mr. Kalita, learned counsel for the accused submits that the accused was arrested on 18.12.2022, and since then he has been languishing in jail hazot for last 33 days and that he was assaulted by the public on the date of occurrence and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that investigation is almost completed. However, Mr. Barua submits that there is material against the accused in the case diary.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. Barua, learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 18.12.2022, and since then he has been languishing in jail hazot for last 33 days. Further, it appears from the case diary that the material part of investigation is almost over and further custodial detention of the accused in the interest of investigation seems to be unwarranted here in this case. And accordingly, it is provided that on furnishing a bond of Rs. 25,000/- (Rupees twenty five thousand) only, with one surety of like amount to the satisfaction

of the learned Special Judge, POCSO Act, Darrang, Mangaldoi, the accused be enlarged on bail.

8. The above privilege however to the following three conditions:-

[i] he shall not leave the jurisdiction of learned Special Judge, POCSO, Darrang, Mangaldoi without prior permission;

[ii] he shall appear before the IO as on when directed; and

[iii] he shall not indulge in hampering the investigation or tempering the witnesses.

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

10. The case diary be returned.

**JUDGE**

**Comparing Assistant**