

GAHC040008732024



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

Case No. : BA/77/2024

Smti Ceemona Taku
Wife of Shri Taje Natung, resident of BPL colony, Jollang, PO and PS Itanagar,
Papumpare District, Arunachal Pradesh

VERSUS

The State of AP and Anr
represented by the PP of AP 2:Inspector Rina Sonam
Age: 0
Occupation

Advocate for the Petitioner : Rajesh Sonar

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 23.07.2024

Heard Mr. R. Sonar, learned counsel for the applicant.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, *read with* Section 12 of the Juvenile Justice(Care and Protection of Children) Act, 2015 praying for release of the accused/applicant on bail.

The learned counsel for the accused/applicant submits that the instant accused was arrested on 26.06.2024 by the Police in connection with Itanagar Women P.S. Case No.33/2024, under Sections 6 and 8 of the POCSO Act, 2012, arising out of an FIR dated 25.06.2024, lodged by the opposite party No.2. The learned counsel submits that on perusal

of the FIR, wherein it is mentioned that the victim was aged 16 years and that the incident occurred when the alleged victim was 11 to 12 years. The learned counsel submits that since the date of birth of the instant accused/applicant is shown as 05.08.2005, the instant accused/applicant was a juvenile when the alleged incident of rape took place. The learned counsel thus submits that the matter should have been referred to the Juvenile Justice Board and that any further detention of the accused-applicant in jail is not necessary.

Mr. J. Tsering, learned Public Prosecutor submits that the status report of the instant matter was received, wherein they have been informed that the instant case has been submitted into PIR against the JCL vide ITA WPS PIR No.60/24 dated 22/07/2024 before the Principal Magistrate, Juvenile Justice Board, Yupia by the Investigating Officer of the case, since it is admitted that the instant accused-applicant was a juvenile at the time of the incident.

Also heard Mr. H. Richo, learned counsel appearing on behalf of respondent No.2, who submits the same.

Having heard the submissions of the learned counsels for the parties, it is seen that it is an admitted fact that the instant accused/applicant was a juvenile at the time of the said incident.

In view of the above, since the matter has been referred to the Principal Magistrate, Juvenile Justice Board, Yupia, this Court finds it fit to release the instant accused/applicant on bail with a bail bond of Rs.20,000/- (Rupees Twenty Thousand only) and one surety of like amount, who shall be to the satisfaction of the learned Special Judge, POCSO Act, Yupia. Thereafter, the instant accused/applicant is to report and appear before the Principal Magistrate, Juvenile Justice Board, Yupia for further necessary steps.

Accordingly, the instant bail application No.77(AP)2024 stands allowed and disposed of.

JUDGE

Comparing Assistant