

GAHC010000062024



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

Case No. : Bail Appln./3/2024

SAURABH GOHAIN @ SOUROBH
S/O SRI NILA GOHAIN
R/O NO. 4 PURAJANGHAL VILLAGE,
P.O. DHOLOGURI
MOUZA- MORANGI
P.S. BOGIJAN
DIST. GOLAGHAT, ASSAM

VERSUS

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

2:SRI LACHU MURAH
S/O LATE NANDALAL MURAH
R/O NO. 2 PURAJANGHAL VILLAGE

P.O. DHOLAGURI
MOUZA- MORANGI
P.S. BOGIJAN
DIST. GOLAGHAT
ASSA

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-01-2024

- 1.** Heard Mr. P.J.Dutta, learned counsel for the petitioner.
- 2.** This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Saurabh Gohain @ Saurobh who is in judicial custody since 23.02.2023 in connection with Special (POCSO) Case No. 14/2023, registered under Section 6 of POCSO Act.
- 3.** Heard Mr. B.B. Gogoi, learned Addl. PP who has raised objection against the bail petition.
- 4.** The FIR unfolds that on 15.02.2023, the victim 'X' went to watch theatre at Bogijan. As she went out of the theatre, taking advantage of the darkness some miscreants stopped her and committed rape on her. It is submitted that the present petitioner was not incriminated in her statement u/s 164 Cr.PC, made by the victim.
- 5.** Notice was issued to the respondent No. 2, who has received the notice but is not represented today.
- 6.** The learned counsel for the petitioner has submitted a copy of the notice with the signature of the respondent No. 2. This copy will form a part of this record.
- 7.** I have perused the scanned copies of the LCR. I have also considered the submissions at the Bar with circumspection. Two witnesses including the informant have been examined. The evidence of the victim has already been recorded by the trial Court. The petitioner was behind bars since 23.02.2023. The petitioner has pledged to co-operate with the trial. The petitioner has submitted that he is innocent and has been falsely implicated. The learned counsel has also prayed for bail on the ground of parity. I have also considered the submission that the petitioner is a local resident.
- 8.** Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of the like amount to the satisfaction of the learned Special Judge (POCSO), Golaghat under the conditions that:-
 - i] the petitioner shall not go near the vicinity of the victim; and

ii] the petitioner shall not exercise threats to the witnesses and tamper with the evidence.

On breach of any of the bail conditions, bail order shall stand cancelled.

Accordingly, bail application stands disposed of.

JUDGE

Comparing Assistant