

GAHC010009712024



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

Case No. : Bail Appln./211/2024

RIPAN CHAUHAN
S/O SRI GULCHAN CHAUHAN
R/O VILL- GULANDI CHAH
BAGICHA, P.O. BHAKATPARA
P.S. DHULA
DIST. DARRANG, ASSAM

VERSUS

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

2:SRI MONORANJAN CHAUHAN
S/O SRI JAWAHARLAL CHAUHAN
R/O VILL- KADAMTALA
BAGICHA
P.O. BHAKATPARA
P.S. DHULA
DIST. DARRANG
ASSA

Advocate for the Petitioner : MR R S CHAUHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

12.03.2024

Heard Mr. NJ Dutta, learned counsel for the applicant and Mr. KK Parasar, learned Addl. PP, appearing for the State of Assam.

2. This is a second bail application filed by the applicant, namely, Ripan Chauhan, under section 439 Cr.P.C who has been in custody since 10.02.2023 in connection with Dhula PS Case No.157/2019 registered under section 341/506 IPC read with section 4/6 of POCSO Act, 2012.
3. Earlier this court vide order dated 30.11.2023 passed in Bail Appln No. 3937/2023 has rejected the prayer for granting bail to the petitioner considering the material and stage of trial.
4. Scanned copies of the records as called for has been received and perused the same.
5. After rejection of the earlier bail prayer of the petitioner, the minor victim has also been examined, who has implicated the petitioner in commission of the offence.
6. The victim is aged about 4 years. The PW-2 who is the informant (father) in his examination in chief deposed that while he and his wife was in a tea stall the accused who is a neighbour of the victim came to his tea stall and took the minor to his residence. When the victim did not return after 2/3 hours the PW-2 searched her but subsequently, the accused dropped his daughter at this tea stall. Thereafter the victim told parents regarding the alleged sexual assault. Immediately thereafter FIR was lodged and the victim was examined by the PW-5.
7. PW-5 deposed that the victim girl was examined in presence of staff nurse in full consent and the age of the victim is four years and her mental condition is normal. Though she remarked that there is no evidence of sexual intercourse however, swelling in libia majora is seen at the time of examination.
8. Considering such material and also considering the stage of trial, this Court is of the view that no case for grant of bail is made out and accordingly the same

stands dismissed.

9. However, the observation made in this bail application is only for the purpose for determination of bail of the petitioner and same shall not be treated any comment on the ultimate merit of the case of the prosecution.
10. Bail application stands disposed of.

JUDGE

Comparing Assistant