

GAHC010018782024



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

Case No. : Bail Appln./321/2024

VIKASH KUMAR RANA
S/O LT. SURESH RANA, R/O BAHUGHAT, CHANWARDAI NAGAR, P.S.-
SIKANDAR POP, DIST- MUZAFFARPUR, BIHAR

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMTI. REKHA RAY
W/O SANTOSH RAY
H. NO.-35
REHABARI
MADHAB DEVPUR
P.S.-PALTAN BAZAR
GUWAHATI
KAMRUP (M

Advocate for the Petitioner : MR. M BISWAS
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.03.2024

Heard the learned counsel Mr. M. Biswas appearing for the petitioner. Also heard Ms. A. Begum, learned Addl. Public Prosecutor representing the State of Assam.

2. This is an application under Section 439 of the CrPC filed by the petitioner Vikash Kumar Rana praying for releasing him on bail after he was arrested in connection with Paltan Bazar P.S. Case No.448/2023, registered under Section 363 of the Indian Penal Code read with Section 4 of POCSO Act, 2012.
3. Ms. Begum has objected to the bail prayer on the ground that the girl is 16 years old.
4. On 10.10.2023, an FIR was lodged alleging that Smti. Nikita Ray was missing from her house.
5. Later on, the girl was recovered by police.
6. She has given a statement under Section 164 of the CrPC stating that she was in love with the petitioner and she had eloped with him. Both went to Delhi where her mother contacted her. She met her mother and at that time she was brought to Guwahati by police.
7. The girl was in love with the petitioner and she had eloped with him on her own. Therefore, this Court is of the opinion that the petitioner Vikash Kumar Rana does not deserve to be detained in custody for any further period of time. His bail application is allowed.
8. The petitioner (Vikash Kumar Rana) who has been arrested in connection with Paltan Bazar P.S. Case No.448/2023, registered under Section 363 of the Indian Penal Code read with Section 4 of POCSO Act, 2012 (corresponding to Sessions (Spl) Case No.30/2024), is allowed to go on furnishing bail bond of ₹20,000/- with one surety of like amount to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge (POCSO), Kamrup (M) at Guwahati.

The bail application is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant