

GAHC010023442024



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

Case No. : Bail Appln./341/2024

AKASH RAY
R/O DANGTOLA, PUKHURIPAR
P.S. BONGAIGAO,
DIST. BONGAIGAON, ASSAM

VERSUS

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

2:Madan Sarkar
RO Changaigaon
PS Bongaigaon

2:MADAN SARKAR
S/O LATE KARTIK SARKAR
R/O CHANGAPUTA
P.S. BONGAIGAON

DIST. BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 19-02-2024

Heard Ms. F. Hussain, learned counsel for the accused and Mr. R. J. Barua, learned Additional Public Prosecutor for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Akash Ray, who has been languishing in jail hajot since 9.12.2023, in connection with Bongaigaon P. S Case No. 525/2023, under Sections 376/506 IPC read with Section 4 of POCSO Act, for grant of bail.

It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Madan Sarkar on 9.12.2023.

The essence of allegation made in the FIR dated 9.12.2023 is that on 8.12.2023, at about 8 PM, accused Akash Ray kidnapped his minor daughter, namely, Smt.'X' (name withheld) aged about 16 years, from Pukhurpar, New Bongaigaon to some unknown places, but returned on the same day at about 11.30 P.M. and when asked her about cause of delay, then his daughter informed that the accused committed rape upon her at New Bongaigaon, near Vivekananda H.S. School and threatened her not to disclose the same to anybody else.

The learned counsel for the accused submits that the accused was arrested on 9.12.2023, and since then he has been languishing in jail hajot and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P. submits that he obtained

necessary instruction from the Officer-in-Charge of concerned Police station and submits that after completion of investigation the I.O has laid charge sheet, being Charge sheet No.24/2024, dated 8.2.2024, under Sections 376/506 IPC read with Section 4 of POCSO Act.

In view of the submission of learned Advocate of both sides, this Court is inclined to dispose of this petition by directing the accused to appear before the learned Court below and to file appropriate petition and in the event of filing such an application, the learned Court below shall consider the same, in accordance with law.

JUDGE

Comparing Assistant