

GAHC010025932024



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

Case No. : AB/298/2024

DILIP DAS
S/O LATE MANTU DAS
VILL- BORCHARA,
PS. AND DIST. BONGAIGAON, ASSAM

VERSUS

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

2:MRS. RINKU SUTRADHAR
(VICTIMS MOTHER)
W/O LATE THOBIYA SUTRADHAR
VILL- BAKUABHANGI
P.O. FUTKIBARI
DIST. DHUBRI
ASSAM
PIN-78334

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

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

22.04.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor appearing for the State

respondent No.1 and Mr. Mr. A. Rahman, learned counsel appearing for the respondent No.2.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **Dilip Das**, in connection with **Special (P) Case No. 28(BNG)/2023, arising out of Bongaigaon PS Case No. 55/2023** registered under **Section 6/17 of POCSO Act R/W Section 9/10 of the Prohibition of Child Marriage Act.**

It is submitted by the learned counsel for the petitioner that out of love affair the victim had eloped with the petitioner and subsequently, entered into marriage in the month of August, 2022. Learned counsel for the petitioner further submitted that admittedly at the time of marriage, the victim was minor but at present they are leading their conjugal life peacefully. It is further submitted that there is no allegation against the petitioner which falls under the provision of POCSO Act. It is also submitted by the learned counsel for the petitioner considering the background of the case, benefit of pre-arrest bail may be granted to the petitioner.

On the other hand, Mr. Mr. A. Rahman, learned counsel appearing for the respondent No.2, who is the mother of the victim has raised no objection in the matter.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

As the charge-sheet has already been laid in this case, so the petitioner may approach before the concerned court with appropriate application for bail. Accordingly, the learned court shall allow the petitioner

to go on bail on furnishing bail bond of Rs.50,000/- with a suitable surety of like amount to his/her satisfaction. Liberty is given to the court to impose any condition(s) as it deems fit and proper at the time of releasing the petitioner/accused on bail to procure his attendance during trial.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant