

GAHC010028012024



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

Case No. : Bail Appln./407/2024

DINESH KALITA
R/O VILL- JONAKIPUR
MIRZA, P.S. PALASHBARI
DIST. KAMRUP, ASSAM

VERSUS

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

2:SMT. JUTIKA HAZOWARY
W/O NAYAN HAZOWARY
R/O VILL- BAGDUBA
P.S. DHUPDHARA
DIST. GOALPARA
ASSA

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 13-02-2024

1. Heard Mr. B.K. Mahajan learned counsel for the petitioner.

2. The petitioner, namely, Mr. Dinesh Kalita has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 04.10.2023 in connection with Special (POCSO) Case No. 162/2023 arising out of Palashbari P.S. Case No. 346/2023 u/s 376AB/354(A) IPC read with Sections 4/10 of the POCSO Act.

3. Heard Mr. R.R. Kaushik, learned Addl. PP for respondent No. 1 and Mr. A. Khan, learned counsel for the informant.

4. I have considered the submissions at the Bar.

5. It is submitted that the petitioner is 65 years old and there was a tenancy dispute between the petitioner and the aggrieved and a false case was initiated against the petitioner. Charge-sheet has been laid against the petitioner u/s 376AB/511 IPC read with Section 8 of the POCSO Act.

6. I have considered the submissions at the Bar with circumspection. I have also considered the age of the petitioner. The petitioner has also pledged to co-operate with the trial and he has agreed to abide any bail condition imposed upon him.

7. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge, POCSO, Kamrup, Amingaon under the conditions that:-

- i. The petitioner shall never go near the vicinity of the victim; and
- ii. the petitioner shall not influence the witnesses and exercise threats to the witnesses.

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

JUDGE

Comparing Assistant