

GAHC010035332024



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

**Case No. : Bail Appln./516/2024**

RAHUL BARMAN  
S/O- KAMAL BARMAN @ KAMALA KANTA BARMAN, VILL- DHARMAPUR  
PT-1, P.S. ABHAYAPURI, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE P.P., ASSAM

**Advocate for the Petitioner : MR. P RAHMAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 26.02.2024**

Heard Mr. P. Rahman, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Rahul Barman, who has been languishing in jail hazot in connection with Abhayapuri P.S. Case No. 45/2024, under Sections 341/354B/352/323/506

of the IPC, since 07.02.2024, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Smt. X (name withheld) on 06.02.2024. The essence of allegation made in the FIR dated 06.02.2024, is that on that day, at about 4:30 p.m., while the informant was about to leave the college along with one Jintu Das, in his scooty, then accused Rahul Barman caught hold of her hand and assaulted her and also torn her clothes.

4. Mr. Rahman, the learned counsel for the accused submits that the accused was arrested on 07.02.2024, and since then, he has been languishing in jail hazot. Mr. Rahman further submits that the accused is a student of Class XII of Abhayeswari HS and MP School, Abhayapuri, and he was supposed to appear in the ongoing HS final examination, but, because of his arrest, he could not appear in the examination, and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor submits that prima facie materials are there against the accused and therefore, Mr. Baruah has opposed the petition.

6. Having heard the submission of learned Advocates of both side, I have gone through the petition and the documents placed on record.

7. It appears that the occurrence took place on 06.02.2024 and the accused was arrested on the same day and remanded to jail hazot on 07.02.2024, and since then, he has been languishing in jail hazot for last 20 days.

8. Having regards to the nature and gravity of the offence and the punishment prescribed for the same as well as the submission of learned Advocates of both sides, further custodial detention of the accused seems not to be warranted here in this case and therefore, this Court is inclined to allow the

petition.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned SDJM(M), North Salmara, Abhayapuri, the accused be enlarged on bail.

10. In terms of above, this application stands disposed of.

**JUDGE**

**Comparing Assistant**