

GAHC010045222024



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

Case No. : Bail Appln./639/2024

JAYANTA SHARMA
SON OF MANTU SHARMA, RESIDENT OF 13 BUS STAND, PWD COLONY,
LANGSOLIET, P.S. BORLANGFER, DIST.- KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:NIRMAL CHOUHAN
SON OF CHANDRAMA CHOUHAN
RESIDENT OF VILL. LONGSOLIET
P.S. BORLANGFER
DIST.- KARBI ANGLONG
ASSA

Advocate for the Petitioner : MR S A BARBHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25.07.2024

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State and Mr. N. Mahajan, learned *Amicus Curiae* for the respondent No.2/informant.

By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Jayanta Sharma**, has prayed for bail in connection with POCSO Case No. 03/2024 (arising out of Borlangfer P.S. Case No. 15/2023) under Section 363 IPC r/w Section 6 of POCSO Act, pending in the court of learned Special Judge, POCSO, Karbi Anglong, Diphu.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 256 days since his arrest on 13.11.2023. It is also submitted that the petitioner had love affairs with the victim girl and she eloped with the petitioner. It is further submitted that the victim girl has already been examined and the trial is going on. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case record including the evidence of the victim and has made objection as the victim is a minor girl. However, learned Additional Public Prosecutor has shown some positive attitude by stating that as evidence of the victim has been recorded as such, length of detention of accused may be considered.

Mr. Mahajan, learned Amicus Curiae representing the respondent No.2/informant has also raised objection against the prayer of the petitioner as the victim is a minor girl.

I have considered the submission of learned counsel for the parties. I have also perused the trial court record including the evidence of the victim girl.

It appears that out of nine witnesses only one witness is examined.

Further trial will take some time.

In view of the above and considering the length of detention, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail in connection with connection with POCSO Case No. 03/2024 (arising out of Borlangfer P.S. Case No. 15/2023) under Section 363 IPC r/w Section 6 of POCSO Act, pending in the court of learned Special Judge, POCSO, Karbi Anglong, Diphu, on furnishing bail bond of **Rs.40,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned Special Judge, POCSO, Karbi Anglong, Diphu, Assam.

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge, POCSO, Karbi Anglong, Diphu, Assam without prior written permission from him/her;

(b) the petitioner shall not influence or intimate with rest of the prosecution witnesses nor shall make any attempt or tamper with the evidence of the prosecution;

(c) shall appear before the trial court each and every date fixed for hearing without fail;

(d) Breach of any of the above conditions, shall tantamount to cancellation of bail.

In the view of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant