

GAHC010049282024



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

Case No. : AB/623/2024

ELECTION NARAH
S/O LATE BALEN CHANDRA NARAH, DIST- DHEMAJI, P.O.-MATIKHULA,
P.S.-DHEMAJI, DIST- DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMT APARNA NGATEY
W/O SRI PUNESHWAR NGATEY
R/O VILL- BANGALMARI
P.O.-MATIKHULA
P.S.-DHEMAJI
DIST- DHEMAJI
ASSAM
PIN- (INFORMANT

Advocate for the Petitioner : MR. B HALDAR
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

20.03.2024

Heard the learned counsel Mr. B. Haldar appearing for the petitioner as well as Mr. R.J. Baruah, learned Addl. Public Prosecutor representing the State of Assam. Mr. P.K. Das, learned counsel appearing for the informant.

2. This is an application under Section 438 of the CrPC in respect of the Dhemaji P.S. Case No.25/2024 under Sections 376AB/511 of the Indian Penal Code read with Section 8 of the POCSO Act.

3. The informant has alleged in the FIR that the present petitioner had forcibly tried to commit ill act upon her 12 year old daughter.

4. In her statement under Section 164 of the CrPC, the victim girl has stated that she was holding the infant baby of the petitioner on her lap and when the petitioner took his baby from her lap, his hands touched her chest.

5. I have also gone through the case diary.

6. I find that no *prima facie* case under Section 8 of the POCSO Act has been made out against the present petitioner. Therefore, the petitioner does not deserve to be detained in custody. His pre-arrest bail application is allowed.

7. It is hereby directed that in the event of arrest of the petitioner, namely- Sri Election Narah in connection with Dhemaji P.S. Case No.25/2024 under Sections 376AB/511 of the Indian Penal Code read with Section 8 of the POCSO Act, he shall be allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority.

8. The application for bail is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant