

GAHC010062912024



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

Case No. : Bail Appln./895/2024

NEPAL DAS
S/O LATE DHARANI DAS
R/O CHANDANPUR, KAWLI
P.O. KAWLI AND P.S. TAMULPUR P.S.,
PIN-781360
DIST. TAMULPUR, ASSAM

VERSUS

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

2:AJIT DAS
S/O LATE ARABINDA DAS
R/O VILL- CHANDANPUR
KAWLI
P.O. KAWLI AND P.S. TAMULPUR P.S.
OUTPOST- KUMARIKATA O.P.
PIN-781360
DIST. TAMULPUR
ASSAM
PHONE NO. 9102129331

Advocate for the Petitioner : MR V JAMMAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 24.04.2024

Heard Mr. V. Jammam, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State and Mr. R. De, learned counsel for the respondent No. 2.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Nepal Das**, in connection with **Tamulpur P.S. Case No. 53/2024**, registered under **Section 341/342/354(A)/376 IPC r/w 7/4(2)/18 POCSO Act**.

It is submitted by the learned counsel for the petitioner that there is no allegation against the petitioner to attract the provision under Section 4 of POCSO Act. The allegation against the petitioner is that he touched the body of the victim which may come under the provision of 8 of POCSO Act. It is also submitted that the petitioner is falsely implicated in this case. The petitioner has been detained in custody for more than one month. Considering the background of the case as well as period of detention, bail may be granted to the petitioner. Mr. R. De, learned counsel represented the respondent No. 2 submits that he has no objection if the bail is granted to the petitioner. However, the learned Additional Public Prosecutor has submitted in the same tune that he has also no objection if the petitioner is enlarged on bail.

I have considered the submissions made by the parties. I have also perused the averments made in the petition.

Learned counsel for the petitioner also submits that charge-sheet has already been submitted against the petitioner under Section 376(3) IPC which is not attracted here in this case.

Considering the fact as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Tamulpur P.S. Case No. 53/2024**, registered under **Section 341/342/354(A)/376 IPC r/w 7/4(2)/18 POCSO Act**, on furnishing bail bond of **Rs.30,000/- with a suitable surety** of the like amount to the satisfaction of learned Special Judge (POCSO), Baksa, Mushalpur.

The direction for bail is further subject to the condition that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of learned Special Judge (POCSO), Baksa, Mushalpur, without prior written permission from him/her;
- (b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant