

GAHC010076542024



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

Case No. : AB/1005/2024

BIMAL CHANDRA MANDAL @ BIMAL MANDAL
S/O GURUCHARAN MANDAL, R/O VILL- BASHBARI NO. 2, P.O.-SALABILA,
P.S.-MANIKPUR, DIST- BONGAIGAON, ASSAM, PIN-783392

VERSUS

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

2:SMTI TARAMONI JASOWARA
W/O SRI BIMAL CHANDRA MANDAL @ BIMAL MANDAL @ KALU
R/O VILL- BASHBARI NO. 2
P.O.- SALABILA
P.S.-MANIKPUR
DIST- BONGAIGAON
ASSAM
PIN-78339

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 10.04.2024

Heard Mr. B.Bora, learned counsel appearing for the petitioner. Also heard

Mr. B.Sarma, learned Additional P.P. for the State of Assam.

This is an application under Section 438 of the Cr.P.C. in respect of Special (POSCO) Case No.132(BGN)/2023 pending in the Court of the Special Judge, Bongaigaon.

A person called Bindo Rabha Das had lodged an FIR before the police alleging that his 17 year old niece had eloped with the present petitioner. Subsequently, the girl was recovered with the help of police and District Child Welfare Officer. It is alleged in the FIR that the girl was enticed by the present petitioner.

Now the girl has filed an affidavit stating that she had eloped with the present petitioner pursuant to her love affairs with him and both of them are now married.

Under the given circumstances of the case, this Court is of the opinion that no fruitful purpose would be served by keeping the petitioner in custody. Therefore, the pre-arrest bail application of the petitioner is allowed. It is hereby directed that the learned Special Judge, Bongaigaon in respect of Special (POSCO) Case No.132(BGN)/2023 shall release the present petitioner Bimal Chandra Mandal @ Bimal Mandal on bail of Rs.25,000/- with a surety of the arresting authority to the satisfaction of the trial Court.

The bail application is disposed of accordingly.

JUDGE

Comparing Assistant