

GAHC010076962024



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

Case No. : Bail Appln./1130/2024

RUPJYOTI BORDOLOI
S/O SRI SARUDHAN BORDOLOI
R/O VILL- BATWABARI
P.O. RAHA
P.S. RAHA
DIST NAGAON, ASSAM

VERSUS

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

2:MADHAB BAISNAB
S/O LATE PAMESWAR BAISHNAB
R/O NABHANGA VILLAGE
P.O. RAHA
P.S. RAHA
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 25-06-2024

1. Heard Mr. B. Bora, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Sri Rupjyoti Bordoloi* who has been detained behind the bars since 23.12.2023 for last six month in connection with POCSO Case No. 12/2024 which is pending before the Court of learned Special Judge (POCSO), Morigaon.

3. The learned counsel for the petitioner has submitted that after filing of the charge-sheet in the aforesaid case, the testimony of the victim girl as well as the informant has already been recorded by the Trial Court and they have not implicated the present petitioner. It also appears the victim girl has also only accompanied the petitioner to visit Maha Mrityunjay Temple, Nagaon.

4. Since, the petitioner has been detained behind the bars for last more than six months and since the informant and the victim girl have already been examined by the Trial Court, the further custodial detention of the present petitioner does not appear to be necessary for fair completion of the trial in POCSO Case No. 12/2024 pending before the Court of learned Special Judge (POCSO), Morigaon.

5. In view of the above, the above named petitioner is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject to the satisfaction to the learned Special Judge (POCSO), Morigaon with following conditions:-

1. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of this case so as to dissuade such person from deposing against the petitioner in the ensuing trial before the Trial

Court;

2. That the petitioner shall appear before the Trial Court as and when so required by the Trial Court;

3. That the Trial Court may impose any additional condition for bail during trial if it deems fit to do so, to procure regular attendance of the petitioner during trial.

6. With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant