

GAHC010082352024



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

Case No. : Bail Appln./1214/2024

DIPEN DAS @ DEBESWAR DAS
S/O SRI SENIRAM DAS
VILL- 5 NO. PURAJUNGLE, P.S. BOGIJAN
DIST. GOLAGHAT, ASSAM

VERSUS

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

2:SRI KAMAL DAS
S/O SRI DOMAI DAS
VILL-5 NO. PORAJANGHAL
P.S. BOGIJAN
DIST. GOLAGHAT
PIN- 78562

Advocate for the Petitioner : MR. S MUNIR,

Advocate for the Respondent : PP, ASSAM, G. DAS (R-2),S MEDHI (R-2),MR. P THAKURIA (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-09-2024

Heard Mr. S. Munir, learned counsel for the petitioner Sri Dipen Das @ Debeswar Das, who has filed this application under Section 439 of the Code of

Criminal Procedure, 1973 with prayer for bail as he is behind bars since 21.10.2023 in connection with Special (POCSO) Case No. 111/2023 arising out of Bongijan Police Station Case No. 14/2023 under Sections 448/354A/376/511 of Indian Penal Code, 1860 read with Section 8 of Protection of Children from Sexual Offences Act, 2012 pending in the Court of learned Special Judge (POCSO), Golaghat.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam and Mr. G. Das, learned counsel for the respondent No. 2.

3. Learned counsel for the respondent No. 2 as well as the learned Additional Public Prosecutor have raised serious objection stating that the petitioner does not deserve bail considering the facts and circumstances of this case. Moreover, the petitioner is a neighbor and the victim may be threatened by the petitioner who is of a formidable character. The victim is only 14 (Fourteen) years old.

4. I have considered the submissions at the bar with circumspection.

5. It is submitted on behalf of the petitioner that the petitioner has been behind bars for 338 (Three Hundred and Thirty Eight) days. Moreover, it is submitted that the petitioner is willing to cooperate with the trial and he will not jump the bail. The petitioner is a local resident and he is willing to abide by any stringent bail conditions if imposed upon him.

6. Considering the submissions at the bar, the petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the learned Trial Court under the conditions that :

(i) the petitioner shall not go anywhere near the vicinity of the victim,

(i) the petitioner shall not exercise threats to the witnesses and shall

maintain the peace,

(iii) the petitioner shall appear before the Trial Court and the petitioner shall not leave the jurisdiction of the Trial Court without prior written permission till completion of trial.

7. On breach of any of the bail conditions, the learned Trial Court is at liberty to cancel the bail granted to the petitioner.

8. In terms of the above observation, this Bail Application stands disposed of.

JUDGE

Comparing Assistant