

GAHC010088642024



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

Case No. : Bail Appln./1301/2024

SUMIT DAS @ DASGUPTA
S/O SRI GOPAL DAS
R/O JPR RAILWAY COLONY UNDER JORHAT POLICE STATION, IN THE
DISTRICT OF JORHAT, ASSAM

VERSUS

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

2:ROUFUL ISLAM
S/O LATE ABDUL REKIB
R/O PUJADUBI
WARD NO. 3

JORHAT UNDER JORHAT POLICE STATION
IN THE DISTRICT OF JORHAT
ASSA

Advocate for the Petitioner : MR. B M CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

06.05.2024

Heard Mr. B M Choudhury, learned counsel for the petitioner as well as Mr. B B Gogoi, learned Additional Public Prosecutor, Assam.

By this application, filed under Section 439 CrPC, the petitioner, namely, Sri Sumit Das @ Dasgupta, has prayed for release on bail in connection with Jorhat P.S. Case No. 128/2024 registered under sections 294/325/354/506 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

In a dance school, the dance teacher i.e. the present petitioner beat a 10 (ten) years old girl student with a stick on her buttock, calf and on the soles of her feet. The father of the girl lodged an FIR in the Police Station by stating the aforesaid facts.

Mr. Choudhury, submits that the teacher beats a student with a stick cannot be held to be a sexual assault with sexual intention and therefore, no notice should be sent to the respondent no. 2. Further, Mr. Choudhury also submits that no case under Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 has been made out against the present petitioner and he should not be detained for any further period of time in judicial custody.

I have considered the submission made by the learned counsel for both the parties.

I find that the submission of Mr. Choudhury has force in it, that no case has been made out against the present petitioner under Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. Therefore, no notice is required to be sent. The other offences are also bailable except Section 354 IPC.

This court further finds that no case has also been made out against the present petitioner under Section 354 IPC also. Even then, the petitioner has already undergone 23 days in judicial custody.

The bail prayer of the petitioner is allowed. It is directed that the petitioner Sri Sumit Das @ Dasgupta, who was arrested in connection with Jorhat P.S. Case No. 128/2024 registered under sections 294/325/354/506 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Special Judge, Jorhat.

The bail application is disposed of.

JUDGE

Comparing Assistant