

GAHC010088892024



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

Case No. : Bail Appln./1299/2024

DEBOJYOTI SAIKIA @ ANKUR
S/O SRI NITAI SAIKIA
R/O NEPALIKHUTI, RAJABARI,
P.S. BOKAKHAT
DIST. GOLAGHAT, ASSAM

VERSUS

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

2:XXX
D/O SRI KANO SOBOR
VILL- BHAKAT CHAPORI
P.O. RAJABARI
P.S. BOKAKHAT
DIST. GOLAGHAT
ASSAM
PIN-78561

Advocate for the Petitioner : MR. S MUNIR,

Advocate for the Respondent : PP, ASSAM, MS S MEDHI (LEGAL AID COUNSEL FOR R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.09.2024

1. Heard Mr. S. Munir, learned counsel for the petitioner Debojyoti Saikia @ Ankur.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 29.08.2024 in connection with Special POCSO Case No. 84/2023 arising out of Bokajhat P.S. Case No. 124/2023 under Sections 379 of the IPC read with Section 4 of the POCSO Act.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The name of the legal Aid Counsel is reflected in the cause-list but the legal Aid Counsel is not present on behalf of respondent No. 2.
5. I have considered the submissions at the Bar.
6. The FIR unfolds that on the night of 22.08.2023 at about 11 p.m., the petitioner had a physical relationship with the victim and promised to marry the victim and took her out of the house, the petitioner then kept the victim in a house at Kaziranga the entire night, and again on the next morning i.e., on 23.08.2023, at about 8 a.m., he took the victim to the house of Akomani Das at Bokakhat. Thereafter, he abandoned the victim in the said house and fled. The victim tried to communicate with the petitioner but could not communicate with him.
7. It is submitted on behalf of the petitioner that the victim was at the verge of attaining majority. The victim was 17 years old at the time of the incident and she was a consenting party. It is submitted on behalf of the petitioner that the evidence of the victim and her father has also been recorded and if the

petitioner is enlarged on bail, there is no possibility that the trial may be adversely affected.

8. I have scrutinized the entire Trial Court Records. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions if imposed upon him. I have also considered the submission that the petitioner is willing to cooperate with the trial.

9. Considering all aspects, I deem it fit to grant bail to the petitioner. The petitioner shall be 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 Special Judge, under the conditions that:

- (i) The petitioner shall not go anywhere near the vicinity of the victim and exercise threats to the victim,
- (ii) The petitioner shall refrain from such activities with which he is alleged, and
- (iii) The petitioners shall not leave the jurisdiction of the Court till completion of the trial

10. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

11. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant