

GAHC010093672024



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

Case No. : Bail Appln./1380/2024

KAMAL KALITA
S/O LATE MADHAB KALITA
R/O VILL- ALEGJARI
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

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

2:WSI (P) PRIYA DUTTA
D/O SRI KESHAB DUTTA
CHHAYGAON POLICE STATION

DIST. KAMRUP
ASSAM
PIN-78112

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 31.05.2024

Heard Mr. A. Choudhury, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the

State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Kamal Kalita**, in connection with **Chhaygaon P.S. Case No. 112/2024**, registered under **Section 344/ 325/376(3)/370(A)/354(A)/506/34 IPC r/w Section 75 of J.J. Act and r/w Section 14 of Child Labour (Prohibition & Regulation) Act read with Section 6/8 of POCSO Act.**

It has been submitted by the learned counsel for the petitioner that the petitioner is the father of the main accused against whom the commission of rape was alleged. There is no allegation against the petitioner regarding the offence under Section 376 IPC as well as POCSO Act. It is also submitted that the petitioner has been languishing in jail hazot for last 62 days since his arrest on 30.03.2024. Considering the acquisition made against him as well as the length of detention, petitioner may be enlarged on bail.

Mr. Goswami, learned Additional Public Prosecutor for the State submits that charge-sheet has been laid in this case.

I have considered the submission of learned counsel for the parties. I have also perused the record.

From the statement of the victim recorded under Section 164 Cr.P.C., it reveals that the allegation against the petitioner is that he along with his wife assaulted the victim and the petitioner also touched her breast two times. Offence under Section 10 of POCSO Act may be attracted herein this case against the petitioner wherein the punishment is for five years.

In view of the above and considering the length of detention, this

Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail in connection with **Chhaygaon P.S. Case No. 112/2024**, registered under **Section 344/325/ 376(3)/370(A)/354(A)/ 506/34 IPC r/w Section 75 of J.J. Act and r/w Section 14 of Child Labour (Prohibition & Regulation) Act read with Section 6/8 of POCSO Act**, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned Special Judge (POCSO), Kamrup(R), Amingaon, Assam.

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge (POCSO), Karmup(R), Amingaon, Assam without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant