

GAHC010107702024



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

Case No. : Bail Appln./1588/2024

JAYANTA TALUKDAR
S/O LT. SURESH TALUKDAR
R/O REHABARI, BANI NAGAR, B/L -01, H/NO. 09, P.S. PALTAN BAZAR, DIST.
KAMRUP (M).

VERSUS

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

2:ANJALI BHUYAN
W/O LT. HARENDRA RAM BHUYAN
R/O REHABARI
NEAR NEW POST OFFICE
H/NO. 4

P.S. PALTAN BAZAR
DIST. KAMRUP (M)

Advocate for the Petitioner : MR. FIRUZ KHAN, MS D BARUAH,MR. ABHIJIT MENA,MR U
CHAUDHURY,P. NATH,RHITUSHREE TALUKDAR

Advocate for the Respondent : PP, ASSAM, MRS R KAKATI(R-2),MS. M PATHAK(R-2),MS. N
BARMAN(R-2)

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
O R D E R

05.09.2024

Heard Mr. F. Khan, learned counsel appearing for the petitioner and Mr. R.J. Barua, learned Additional Public Prosecutor appearing for the State of Assam. Also heard Ms. N. Barman, learned counsel appearing for the informant/opposite party No.2.

2. The petitioner, namely, Jayanta Talukdar, who is an F.I.R named and charge-sheeted accused in Sessions (Special) Case No.32/2024, arising out of Paltanbazar P.S. Case No.519/2023, registered under Section 354-A IPC read with Section 6 of POCSO Act, arrested on 25.11.2023, have filed this application for bail alleging that since the date of his arrest on 25.11.2023, he is in custody for more than 09(nine) months.

3. It is also contended by the petitioner that the said Sessions (Special) Case No.32/2024 is presently pending before the court of learned Special Judge (POCSO), Kamrup (Metro), Guwahati and that he has been falsely implicated in the case.

4. Mr. R.J. Barua, learned Additional Public Prosecutor, Assam objected the bail prayer of the petitioner.

5. Perused the records of the case that was called for by order dated 03.06.2024.

6. From the records, it is seen that up to 18.07.2024, evidences of four prosecution witnesses have been recorded out of 10(ten) prosecution witnesses named in the Charge-Sheet of the case. All the four witnesses

including the victim, the informant, i.e., maternal grandmother of the victim and two independent witnesses, i.e., Principal of the school and the Class Teacher of the school in which the victim used to study, implicated the petitioner.

7. It is also seen that in her statement recorded under Section 164 Cr.P.C on 24.11.2023, the minor victim implicated the petitioner with regard to the incident. Moreover, the medical report of the victim also supports the allegation lodged by the victim against the petitioner.

8. Considering sufficient materials in the record, implicating the petitioner of his involvement in the case, this Court is of the opinion that it is not a fit case to grant bail to the petitioner in said Sessions (Special) Case No.32/2024 presently pending before the Court of learned Special Judge (POCSO), Kamrup (Metro), Guwahati arising out of Paltanbazar P.S. Case No.519/2023 at this stage.

9. Accordingly, this bail application of the petitioner stands rejected.

JUDGE

Comparing Assistant