

GAHC010110202024



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

Case No. : Bail Appln./1592/2024

CHANDAN HAZARIKA
S/O LATE JUGAL HAZARIKA
VILL- GOREHOGA DHEKIAL GAON,
P.O. AZAD, P.S. NORTH LAKHIMPUR,
DIST. LAKHIMPUR, ASSAM -787031

VERSUS

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

2:SMTI. JOONMONI BORAH BHARALI
W/O LATE BIJOY BHARALI
PERMANENT RESIDENT OF
VILL- POKAJORA
P.S. GORMUR
DIST. MAJULI
ASSAM
PRESENTLY RESIDING AT
VILL- BOWALGRI
P.S. NORTH LAKHIMPUR

DIST. LAKHIMPUR
ASSAM-78703

Advocate for the Petitioner : MR P NEOG, MS. D PATHAK, MR. R DE

Advocate for the Respondent : PP, ASSAM, MR. N MAHAJAN, (AMICUS CURIAE)

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 10.09.2024

Heard Mr. R.De, learned counsel for the petitioner as well as Mr. B.B.Gogoi, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. N. Mahajan, learned Amicus Curiae for respondent No.2.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Chandan Hazarika** has prayed for grant of bail in connection with Special (P) Case No. 57/2024 (Lakhimpur P.S. Case No.123/2024) pending in the court of learned Special Judge, Lakhimpur, North Lakhimpur under Sections 120B/354 of the IPC r/w Section 10 of POCSO Act.

The learned counsel for the petitioner submits that the petitioner has been in judicial custody for last 127 days since his arrest on 05.05.2024. The victim and the informant were examined before the learned trial court and they did not support the prosecution case. As the victim is examined, considering length of detention, petitioner may be enlarged on bail.

The learned Addl.P.P. on the other hand submits that as the victim has been examined and as such, he has no objection in granting bail considering length of detention.

Learned Amicus Curiae for respondent No.2 has made objection in granting bail to the petitioner in view of the allegation made against the petitioner.

Having heard the learned counsel for the parties and on perusal of the scanned copy of the trial court records, this Court is of the considered opinion that

further detention of the petitioner is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with a surety of like amount to the satisfaction of the learned **Special Judge, Lakhimpur**, North Lakhimpur subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Lakhimpur**, North Lakhimpur without prior written permission from him/her;
- ii) That the petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and
- iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the prosecution witnesses.

Nothing in this order shall be construed as an expression of opinion on the merits of the case.

This disposes of the bail application.

JUDGE

Comparing Assistant