

GAHC010115072024



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

Case No. : Bail Appln./1667/2024

RIKI DEKA
S/O RONJU DEKA @ PABIN DEKA @ RANJOO DEKA,
R/O SONAPUR TEA GARDEN QUARTER,
P.S. SONAPUR,
DIST. KAMRUP (M), ASSAM

VERSUS

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

2:DR. RAJASHREE SARMA
(GMCH)
VAAPVB/OBGV)
UNIT-V

P.O. AND P.S. BHANGAGARH

DIST. KAMRUP (M)

3:MINA MEDHI
W/O LATE SUSHIL MEDHI
R/O SONAPUR
BALI GATE
PO / PS - SONAPUR

DIST - KAMRUP (M)
ASSAM
PIN - 78240

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 22.07.2024

Heard Mr. A.Khanikar, learned counsel for the petitioner as well as Mr. B.Sharma, learned Addl. P.P., Assam for the State respondent No.1. Also heard Mr. B.Deuri, learned counsel for the respondent No. 3.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely **Sri Riki Deka**, who was arrested on 31.05.2024 in connection with **Sonapur P.S. Case No. 105/ 2024** under Section 376 of the Indian Penal Code read with Section 6 of the POCSO Act.

Case diary is received.

The learned counsel for the petitioner submits that the FIR was lodged by one doctor stating that the victim is 16 years of age who is unmarried with six weeks of gestation. On the basis of the FIR, case was registered. It is further submitted that the petitioner had love affairs with the victim and as a result of their physical relationship, she became pregnant. It is also submitted that the petitioner has been languishing in judicial custody for the last 53 days and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. on the other hand has produced the case diary and submits that the victim who is a minor, had love affairs with the petitioner and due to physical relationship with the petitioner, she became pregnant. However, learned Addl.P.P. has made objection in granting bail to the petitioner.

Mr. B.Deori, learned counsel for the respondent No. 3, mother of the victim submits that he has no objection if the petitioner is enlarged on bail.

I have perused the case diary and statement of the victim girl recorded u/s 164 CrPC wherein she stated that she had love affairs with the petitioner and due to physical relation with the petitioner, she became pregnant. One medical report is available in the case diary which reveals that victim is carrying pregnancy. One Birth Certificate of the victim was seized during investigation which reveals that the date of birth of the victim is 21.08.2008. Case diary reveals that the incident occurred in the year 2024. It transpires that the age of the victim is around 16 years who is a minor girl. Hence, this court is not inclined to grant bail to

the petitioner.

Accordingly, the bail application stands rejected.

Return the case diary.

JUDGE

Comparing Assistant