

GAHC010116882024



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

Case No. : Bail Appln./1689/2024

GOPAL BARMAN
S/O SRI DULAL BARMAN
R/O VILL- NO. 3 SUKAN NOLA
P.S. JONAI
DIST. DHEMAJI, ASSAM
PIN-787060

VERSUS

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

2:LAKHIMONI DAS
W/O SRI BHAIKON DAS
R/O VILL- LALPUKHURI MADHUPUR
P.S. BEHALI
DIST. BISWANATH
ASSAM
PIN-78416

Advocate for the Petitioner : MR. P K SARMA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 25.06.2024

- 1.** Heard Ms. B. Bhuyan, learned counsel for the petitioner. Also heard R. R. Kaushik, learned Additional Public Prosecutor for the State as well as Ms. M. Hussain, learned counsel appearing on behalf of the informant .
- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Gopal Barman, who has been detained behind the bars since 03.05.2024 in connection with Special (POCSO) Case No.39/2024 pending before the Court of learned Special Judge, Biswanath, Assam, arising out of Behali P.S. Case No. 41/2024 under Sections 366 (A) Indian Penal Code read with Section 4 of POCSO Act.
- 3.** The gist of accusation in this case is that on 02.05.2024, respondent No. 2 i.e., the informant and who is the mother of the informant girl had lodged an FIR before the Officer-in-Charge of Biswanath Police Station, *inter-alia*, alleging that on 01.05.2024, the daughter of the informant went missing and she suspects that the present petitioner had eloped her daughter.
- 4.** The learned counsel for the petitioner has submitted that the petitioner is innocent and the FIR has been lodged against him merely on the basis of suspicion.
- 5.** It is submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars for the last 54 days without any fault of his.

6. On the other hand, learned Additional Public Prosecutor has submitted that though, the case diary was called for, however, in the meanwhile the charge-sheet bearing No. 39/2024 dated 31.05.2024 has been laid.

7. The learned counsel for the informant has submitted that the informant had lodged the FIR implicating the present petitioner merely on the basis of suspicion. It is submitted by the learned counsel that the daughter of the first informant had returned back and she had gone to her relative's house and she has no objection if the present petitioner is given bail.

8. Though, the chargesheet has been laid in this case, however, considering the submission made by the learned counsel for both the sides and under the peculiar facts and circumstances of the present case, the continued detention of the present petitioner may not be justified.

9. In view of above, the above-named petitioner is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Special Judge, Biswanath subject to the following conditions:

i. That the petitioner shall co-operate in the investigation.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

- 10.** With above observation, this bail application is thereby disposed of.
- 11.** Send back the case diary.

JUDGE

Comparing Assistant