

GAHC010123392024



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

Case No. : Bail Appln./1797/2024

PARTHIB HAZARIKA
S/O MILAN HAZARIKA
R/O GORMURIA
P.S. NORTH LAKHIMPUR
PIN-787001,
DIST. LAKHIMPUR, ASSAM

VERSUS

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

2:DIPUL TAMULI PHUKAN
S/O ATUL TAMULI PHUKAN
R/O HATILUNG
BANTOW
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPU

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.07.2024

Heard Ms. S.G. Baruah, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State and Ms. M.K.

Brown, learned *Amicus Curiae* for the respondent No.2/informant.

By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Parthib Hazarika**, has prayed for bail in connection with North Lakhimpur P.S. Case No. 153/2024(corresponding to G.R. Case No. 406/24) under Section 120(B)/354 IPC r/w Section 12 POCSO Act, 2012.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 46 days since his arrest on 09.06.2024. It is also submitted that the petitioner had love affairs with the victim girl and accordingly, she accompanied with the petitioner in his bike to the Dhaba and thereafter, something had happened as alleged in the FIR. It is further submitted that the petitioner is just 18 years at the time of incident. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary including the statement of the victim recorded under Section 164 Cr.P.C. He further submits that considering the length of detention, bail may be considered to the petitioner.

Ms. M.K. Brown, learned *Amicus Curiae* representing the respondent No.2/informant has made objection against the prayer of the petitioner by considering the fact that the victim girl is only 12 years of age at the time of incident and as per case diary, there is sufficient incriminating material against the petitioner.

I have considered the submission of learned counsel for the parties. I have also perused the case diary including the statement of the victim girl recorded under Section 164 Cr.P.C.

It appears from the statement of the victim girl that she accompanied the petitioner in his bike and there is an allegation that the petitioner touched the body of the victim inappropriately. However, considering the length of detention and the age of the petitioner, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail in connection with North Lakhimpur P.S. Case No. 153/2024(corresponding to G.R. Case No. 406/24) under Section 120(B)/354 IPC r/w Section 12 POCSO Act, 2012, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned Special Judge, POCSO, North Lakhimpur, Lakhimpur, 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, North Lakhimpur, Lakhimpur, 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;

(c) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In the view of the above, the bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant