

GAHC010124212024



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

Case No. : Bail Appln./1812/2024

LAKHAN CHOUDHURY @ DIPAK AND ANR.
S/O SRI DINESH CHOUDHURY
R/O VILL- KACHUAGAON,
P.S. BONGAIAGAON,
DIST. BONGAIGAON, ASSAM

2: TULEN RAY
S/O PRABHAT RAY
R/O VIL- NUAGAON
PANCHAPUR
P.S. AND DIST.
BONGAIGAON
ASSA

VERSUS

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

2: RUPIOR RAHMAN
S/O ATOWAR RAHMAN
R/O VILL- BILASHPUR
P.S. KAJALGAON AND DIST. CHIRANG
ASSA

Advocate for the Petitioner : MR A DASGUPTA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 19.07.2024

Heard Mr. A.Dasgupta, learned counsel for the petitioners as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent.

By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **1. Lakhan Choudhury @ Dipak** and **2. Tulen Ray** have prayed for bail in connection with **Bongaigaon PS Case No. 182/2024** under Sections 120B/342/354/354B/354C/354D/387 of the IPC r/w Sections 8/12/13/14/15 of the POCSO Act r/w Section 66 E/67/67A of IT Act.

Case diary is received.

The learned counsel for the petitioners submits that both the petitioners have been languishing in judicial custody for last 55 days since their arrest on 25.05.2024. The petitioners are not named in the FIR and they were no way connected to the alleged offence. Considering length of detention, the petitioners may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits objection on the prayer of bail as notice has not been served on respondent No.2.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it is seen that there is no specific allegation against the petitioners. However, they were present on the spot. The petitioners have been in judicial custody for last 55 days and therefore, considering length of detention, this Court is inclined to grant the privilege of bail to the petitioners.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 40,000/-** each with one surety each of like amount to the satisfaction of the learned **Special Judge (POCSO Act) Bongaigaon** subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned Special Judge (POCSO Act) Bongaigaon without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and

when required;

- (iii) That the petitioners 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant