

GAHC010124382024



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

Case No. : Bail Appln./1909/2024

BISHAL DAS
S/O SRI NIMAI DAS
R/O VILL- KRISHNA NAGAR LAL GANESH
P.S. DISPUR
DIST. KAMRUP (M), ASSAM
PIN-781034

VERSUS

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

2:ANITA DEV
W/O RAJIB AHMED
R/O DHIRENPARA
FATASIL AMBARI
P.S. FATASIL AMBARI
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. S C BISWAS, MS. U NANDA, MS. K L R YANTHAN, MS A
DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 25.07.2024

Heard Mr. S. C. Biswas, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the accused/ petitioner, who has been arrested in connection with Dispur P.S. Case No. 550/2021, under Section 363 of Indian Penal Code *read with* Section 4 of POCSO Act, corresponding to GR Case No. 2468/2021.

Mr. B. Sharma, learned Additional Public Prosecutor, has submitted that though the Case Diary was called for, but the same has not been received.

In this context, Mr. S. C. Biswas, learned counsel for the petitioner, has submitted that the case has already been charge-sheeted, vide Charge-Sheet No. 371/2024, dated 20.06.2024, and in the same time, it is also submitted that both the accused as well as the victim has already got married and in that context, the informant has also sworn an affidavit before the Notary that her daughter already got married with the accused and they are residing peacefully as husband and wife.

Considering the submissions of learned counsels for both sides and also considering the fact that the case has already been charge-sheet, vide Charge-

Sheet No. 371/2024, dated 20.06.2024, I do not find it appropriate to pass any order on bail at this stage and accordingly, the accused/petitioner is hereby at liberty to approach the learned Court below with an appropriate application for bail, which shall be considered in accordance with law.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant