

GAHC010125582024



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

Case No. : Bail Appln./1816/2024

AMLANJYOTI BORUAH
S/O LT. GANGADHAR BORUAH
R/O DEOTOLA BHOGPUR CHARIALI
P.S. NARAYANPUR,
DIST. LAKHIMPUR, ASSAM

VERSUS

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

2:JULI DUTTA
W/O SRI DEBEN DUTTA
R/O NO. 3 TATIBAHAR
P.O. DIKRONG
PIN-784164
P.S.NARAYANPUR

DIST. LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. P HAZARIKA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

24.07.2024

Heard Mr. P. Hazarika, learned counsel appearing for the accused petitioner

as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Amlanjyoti Boruah**, has prayed for grant of bail in connection with **Narayanpur P.S. Case No.32/2024** under Sections **342/354B of IPC R/W Section 10/12 of POCSO Act**.

It is submitted by the learned counsel for the petitioner that the petitioner is the teacher in a school wherein the victim is a student. The allegation against the petitioner is that he has touched the chest of the victim. It is further submitted that the petitioner has been languishing in judicial custody for last 56 days since his arrest on 29.05.2024. Considering the length of detention, prayer for bail may be considered.

Mr. Baruah, learned Additional Public Prosecutor has produced that case diary and submitted that notice has been served upon the respondent No.2 but none has appeared. He further submitted that substantial part of investigation has already been progressed. However, considering the length of detention, prayer of the petitioner may be considered.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.40,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Special Judge (POCSO), Lakhimpur**.

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),

Lakhimpur without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant