

GAHC010127232024



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

Case No. : Bail Appln./1887/2024

BIRAJ BAISHNAB
S/O LATE HARIMOHAN BAISHNAB
R/O VILL- BASHBARI PT.I,
P.O. NORTH BOITAMARI, UNDER BONGAIGAON POLICE STATION, IN THE
DISTRICT OF BONGAIGAON, ASSAM

VERSUS

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

2:RUNU BARMAN
W/O SRI UTTAM BARMAN
R/O VILL- BASHBARI
BAISHNABARAP.O. NORTH BAITAMARI

P.S. BONGAIGAON

DIST. BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. S SUTRADHAR,

Advocate for the Respondent : PP, ASSAM, MR J DAS (LEGAL AID COUNSEL FOR R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.10.2024

1. Heard Mr. S. Sutradhar, learned counsel for the petitioner Biraj Baishnab.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 23.09.2023 in connection with Special P.S. Case No. 148(BGN)/2023 registered under Sections 376(2)(i)/506 of the IPC read with Section 6 of the POCSO Act arising out of GR Case No. 646/2023 corresponding to Bongaigaon P.S. Case No. 392/2023.
3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State and legal Aid Counsel Mr. J. Das for the respondent No. 2.
4. Learned counsel for the respondent have raised strong objection against the bail petition stating that there are incriminating materials against the petitioner. The victim has implicated the petitioner.
5. I have scrutinized the Trial Court Records and the evidence of witnesses. 2 witnesses have been examined. 8 witnesses are yet to be examined. It appears that possibility of completion of the trial within a short period of time appears to be remote.
6. I have considered the submission that the petitioner is short of eye-sight and he is suffering from 75% disability i.e., blindness. Annexure-1 of the petition is the disability certificate.
7. Considering all aspects, I deem it fit to grant bail to the petitioner. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the Trial Court under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged,
- (ii) The petitioner shall not exercise threats to the witnesses or try to influence them, and
- (iii) The petitioner shall not leave the jurisdiction of the learned Trial Court till completion of the trial.

8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

9. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant