

GAHC010129962024



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

Case No. : AB/1707/2024

DIPAK MIZAR @ DEEPAK MIJAR
S/O CHANDRA BAHADUR MIZAR, R/O VILL- GAMGURI, P.O.-GAMERI, P.S.-
HELEM, DIST- BISWANATH, ASSAM, PIN-784176

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:Deucharan Bakti
S/O- Late Buddhu Bakti
Resident of Village- Solagaon
P.O- Bukajaan
P.S.- Tezpur
District- Sonitpur (Assam)
Pin-78410

Advocate for the Petitioner : MR. S C BISWAS, MS. U NANDA,MS A BORAH,MS. J
GHOSH,MS A DAS

Advocate for the Respondent : PP, ASSAM, DR. P AGARWAL, Amicus Curiae, (R-2)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.10.2024

Heard the learned counsel Mr. S.C. Biswas appearing for the petitioner. Also
heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam. Dr. P. Agarwal, the

learned Amicus Curiae appears for the informant.

2. This is an application under Section 438 of the CrPC praying for grant of pre-arrest bail to the petitioner, namely- Dipak Mizar @ Deepak Mijar in connection with Tezpur P.S. Case No.208/2019 (corresponding to G.R. No.454/2019).

3. The petitioner has been shown as an absconder in the *charge sheet*, which alleged that the petitioner committed the offence under Section 8 of the POCSO Act and some other offences under the Indian Penal Code.

4. The petitioner apprehends that since he has been shown as an absconder in the *charge sheet*, he will be remanded to custody if he appears before the trial court.

5. Mr. Baruah has objected to this bail prayer on the ground that in the statement recorded under Section 164 of the CrPC, the 13 year old victim girl has implicated the present petitioner.

6. Dr. Agarwal has also objected to this bail prayer on the ground that during the entire investigation period, the petitioner had evaded police investigation and therefore, his bail application should not be considered.

7. I have considered the submissions of the learned counsel of both sides.

8. The petitioner is the only accused shown in the *charge sheet*. He expressed his intention to face the trial. If his application is not considered by this Court, the victim might not get justice.

9. For the aforesaid reason, this Court is of the opinion that for the sake of justice, the prayer of the petitioner deserves to be considered and accepted. Accordingly, his bail application is allowed.

10. It is hereby directed that in the event of appearance before the trial court in connection with Tezpur P.S. Case No.208/2019 (corresponding to G.R. No.454/2019), the petitioner, namely- Dipak Mizar @ Deepak Mijar, shall be allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the trial court.

11. The petitioner shall regularly attend the trial. If the petitioner fails to attend the trial without any sufficient reason, the trial court shall act according to law.

With the aforesaid direction, the application for bail is disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant