

GAHC010134852024



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

Case No. : Bail Appln./1960/2024

JAYANTA BHOUMIK @ BANIA
S/O MINAL BHOWMIK R/O- VILL- HASRAWBAN P.S- KAJALGAON DIST-
CHIRANG, BTR PIN CORD- 783385

VERSUS

THE STATE OF ASSAM AND ANR
S/O MINAL BHOWMIK R/O- VILL- HASRAWBAN P.S- KAJALGAON DIST-
CHIRANG, BTR PIN CORD- 783385

2:CHARBANU KHATUN
W/O- JURAN ALI KHANDAKAR R/O- VILL- HASRAWBARI P.O AND P.S -
KAJALGAON DIST- CHIRANG
BTD PIN CORD- 78338

Advocate for the Petitioner : MR. N ISLAM,

Advocate for the Respondent : PP, ASSAM, MR S HOQUE (R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

02.09.2024

Heard Mr. N. Islam, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent No.1 and Mr. S. Hoque, learned counsel appearing for respondent No.2.

By filing this petition under Section 489 of Cr.P.C., the accused-petitioner, namely, **Jayanta Bhounik @ Bania**, has prayed for grant of bail in connection with **Kajalgaon P.S. Case No.72/2024** under Sections **376 IPC R/W Section 6 of POCSO Act**.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he is no way connected with the alleged offence. On the date of incident, the petitioner was not in his shop and whatever stated by the victim is false and concocted. It is also submitted that the accused petitioner has been languishing in judicial custody for last 73 days since his arrest on 21.06.2024. Considering the length of detention, prayer for bail may be considered.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor has produced the case diary and submitted that the victim in her statement recorded under Section 164 Cr.P.C. has implicated the petitioner. As per documents available in the petition it appears that the victim is a minor girl aged about 16 years. Hence, the learned Additional Public Prosecutor has opposed in granting bail to the petitioner.

Mr. Hoque, learned counsel appearing for the respondent No.2 has also argued on the same tune that the offence committed by the petitioner is a heinous offence and bail may not be granted to the petitioner.

I have considered the submission of learned counsel for the parties as well as perused the case diary including the statement of the victim girl recorded under Section 164 Cr.P.C. wherein she stated that she has been sexually abused by the petitioner. The birth certificate collected by the IO reveals that the date of birth of the victim is 05.02.2008 which transpires that the victim is around 16 years of age. In view of the above, this Court is not inclined to grant bail to the petitioner. Accordingly, the bail application of the petitioner stands rejected.

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

JUDGE

Comparing Assistant