

GAHC010138312024



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

Case No. : Bail Appln./2019/2024

BIJU SARKAR @ BIJU DAS
S/O MEGHNATH SARKAR,
PERMANENT RESIDENT OF VILL.- KAWATIKA, P.O.- KAWATIKA, P.S.- BIJNI,
DIST.- CHIRANG, BTR, STATE- ASSAM, PIN- 783390.

VERSUS

THE STATE OF ASSAM AND ANR.
TO BE REP. BY THE P.P.

2:NARAYAN SARKAR
S/O LATE NIREN SARKAR

PERMANENT RESIDENT OF VILL.- KUSLAUIGURI
P.O.- PATILADHAHA
P.S.- MANIKPUR
DIST.- BONGAIGAON
STATE- ASSAM
PIN- 783391

Advocate for the Petitioner : MR. J ABBAS, MR P H KONWAR,MR. D GOGOI

Advocate for the Respondent : PP, ASSAM, MR S A BARBHUYAN

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 16-08-2024

Heard Mr. J. Abbas, learned counsel for the petitioner, who has filed this

application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 27.04.2024 in connection with Special (P) Case No. 58(M)/2024 arising out of Manikpur Police Station Case No. 20/2023 registered under Sections 363/365 of the Indian Penal Code, 1860 read with added Section 6 of the POCSO Act.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State and Mr. S.A. Barbhuya, learned counsel for the informant.

3. It is submitted that the petitioner is married to the victim. The learned counsel for the informant has no objection if the petitioner is enlarged on bail. It is also submitted that there is no allegation of sexual offence against the petitioner. The statement under Section 164 of the Code of Criminal Procedure, 1973 clearly reveals that there is no allegation of sexual offence against the petitioner. Both the parties are staying together as husband and wife.

4. It is also submitted that the victim at present has attained majority.

5. This appears to be a fit case to grant bail. Petition is allowed. The petitioner is 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 learned trial Court.

6. In terms of the above observations, this Bail Application stands disposed of.

JUDGE

Comparing Assistant