

GAHC010142852024



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

Case No. : Bail Appln./2106/2024

KRISHNA MANDAL
S/O LATE BRINDABAN MANDAL, R/O BHABANIPUR, WARD NO. 03, P.S.-
SONARI, DIST- CHARAIDEO, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MD. ASLAM KURESHI
S/O MD. AMIN KURESHI
R/O SONARI TOWN
WARD NO. 3
P.S.-SONARI
DIST- CHARAIDEO
PIN-78569

Advocate for the Petitioner : MR. J C GOGOI, MR B ISLAM,MR. N GOGOI
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

07.08.2024

Heard Ms. M. Das, 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 483 of BNSS, 2023, the accused-petitioner, namely, **Krishna Mandal**, has prayed for grant of bail in connection with **Sonari P.S. Case No.66/2024** under Sections **354A/201 of IPC, R/W Section 10/19 of POCSO Act (corresponding G.R. No. 149/2024)**.

It is submitted by the learned counsel for the petitioner that the petitioner has been languishing in judicial custody for last 63 days since his arrest on 05.06.2024 and charge-sheet has not yet been submitted. Hence, the petitioner is entitled for default bail.

Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submitted that there is material against the petitioner but charge-sheet has not yet been submitted and he admitted that the petitioner has completed the mandatory period of 60 days in custody.

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), Charaideo**.

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), Charaideo 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