

GAHC010155122024



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

Case No. : Bail Appln./2275/2024

ROHIT NATH
S/O LATE BASU NATH,
RESIDENT OF VILLAGE AG OFFICE LANE, NEAR AG OFFICE, BELTOLA, PS
BASISTHA, DIST KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. A K AHMED, M AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 14.08.2024

Heard Mr. A.K. Ahmed, the learned counsel appearing for the petitioners as well as Mr. K.K. Parasar, the learned Additional P.P. for the State of Assam.

2. This is an application under Section 483 of BNSS, 2023, whereby the petitioner, Rohit Nath, aged 22 years, who was arrested in connection with Dispur P.S. Case No.

740/2024, prays for releasing him on bail.

3. It may be stated that the petitioner has already spent 23 days in judicial custody.

4. One 17 year old girl belonging to a different community eloped with the present petitioner. The petitioner and the girl had physical relationship also. Her elder brother even talked to the present petitioner over mobile phone and asked him to come to his house with the girl.

5. In her statement recorded under Section 166 of the Cr.P.C., the girl stated that she has gone with the petitioner on her own volition.

6. Mr. Parasar has submitted that there is a possibility that the POCSO Act might also be invoked in this case.

7. I have considered the submissions made by the learned counsels of both sides.

8. Since the girl has gone with the petitioner on her own volition, though she is 17 year old, the petitioner does not deserve to be detained in custody.

9. Accordingly, it is hereby directed that the petitioner namely, Rohit Nath, shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

The bail application stands disposed of.

JUDGE

Comparing Assistant