

GAHC010157002024



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

Case No. : Bail Appln./2329/2024

DEBEN KALITA
S/O LATE TOPESWAR KALITA, R/O VILL- KATABARI NIJARA PATH, NEAR 3
NO MASJID, P.S.-GARCHUK, DIST- KAMRUP (M), ASSAM

VERSUS

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

2:NANI DEKA (INFORMANT)
W/O RATAN DEKA
R/O KATAHBARI 1 NO. MASJID
P.S.-GARCHUK
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. R SARMA, A H CHOUDHURY

Advocate for the Respondent : PP, ASSAM, MS. R CHOUDHURY (Amicus Curiae, R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

12.11.2024

Heard Mr. R. Sarma, learned counsel appearing for the accused petitioner as well as Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent No.1 and Ms. R. Choudhury, learned Amicus Curiae appearing for respondent No.2.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Deben Kalita**, has prayed for grant of bail in connection with **Sessions (Spl.) Case No.143/2024** arising out of **All Women PS Case No. 8/2024** under Sections **376(2)(F) of IPC R/W Section 6 of the POCSO Act**.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 215 days since his arrest on 11.04.2024 and subsequently, charge was framed and five numbers of witnesses were examined. It is further submitted by the learned counsel for the petitioner that the victim has already been examined by the trial court and as the victim is examined in this case, there is no question of hampering and tempering the evidence. Considering the length of detention, prayer for bail may be considered.

Mr. Das, learned Additional Public Prosecutor appearing for respondent No.1 and Ms. Choudhury, learned Amicus Curiae appearing for respondent No.2 have also submitted that as the victim has already been examined in this case, prayer for bail may be considered.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge (POCSO), Kamrup(M)**.

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), Kamrup(M) without prior written permission from him/her;
- (b) shall regularly attend the trial court on each date of hearing till disposal of the

case.

(c) shall not, directly or indirectly, make any inducement or threat to the remaining witnesses to be examined before the trial court.

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

JUDGE

Comparing Assistant