

GAHC010157292024



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

Case No. : Bail Appln./2323/2024

RAM MANGAL DAS
S/O LATE ANNATH DAS, R/O VILL- NO. 1 KAWLI, P.S. AND DIST-
TAMULPUR, ASSAM

VERSUS

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

2:SMT. CHANDANA BARMAN
W/O MANGAL BARMAN
R/O VILL- NO. 1 KAWLI
P.S. AND DIST- TAMULPUR
ASSA

Advocate for the Petitioner : MR. B CHOWDHURY, MR. A C AZAD

Advocate for the Respondent : PP, ASSAM, MS. D SAIKIA (AMICUS CURAIE, R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.09.2024

Heard Mr. B.Chowdhury, learned counsel for the petitioner as well as Mr. B.B.Gogoi, learned Addl. P.P., Assam for the State respondent No.1. Also heard

Ms. D.Saikia, learned Amicus Curiae for respondent No.2.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023, the accused-petitioner, namely, **Ram Mangal Das** has prayed for grant of bail in connection with **Special (P) Case No. 66/2024 (Tamulpur P.S. Case No.80/2024)** u/s 376 (3)/506 of the IPC r/w Section 4 of POCSO Act.

The learned counsel for the petitioner submits that the petitioner is aged about 80 years and his wife is suffering from several ailments. The learned counsel for the petitioner stressed his argument on the point that medical report of the victim did not support the prosecution case. The petitioner has been languishing in judicial custody for last 140 days since his arrest on 24.04.2024. The evidence of the victim was recorded before the trial court. As the victim is examined, considering the length of detention, petitioner may be enlarged on bail to prepare his defence.

The learned Addl.P.P. on the other hand, submits that there is material against the petitioner. However, as the victim has been examined, learned Addl.P.P. has no objection in granting bail considering length of detention.

Learned Amicus Curiae for respondent No.2 has opposed in granting bail to the petitioner by stating that the victim is consistent in her statement before the I.O. as well as before the magistrate recorded under Section 164 CrPC and before the trial court that she has been sexually abused by the accused petitioner.

In view of the submissions of learned counsel for the parties, this court is of the opinion that the accused/petitioner be released on bail to prepare his defence. Moreover, the victim's evidence was recorded before the trial court and as such,

there is no any apprehension that she be threatened in any manner.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with a surety of like amount to the satisfaction of the learned **Special Judge, Baksa, Mushalpur** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Baksa, Mushalpur** without prior written permission from him/her;
- ii) That the petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and
- iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the prosecution witnesses.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant