

GAHC010157982024



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

Case No. : Bail Appln./2314/2024

SUJIT BARMAN
S/O SURJYA KANTA BARMAN, R/O VILL-LALMATI, P.S.-ABHAYAPURI,
DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:KRISHNA MANDAL
S/O LT. NORESH MANDAL
R/O VILL- PACHIM AMGURI PT-I
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. M I HUSSAIN, M HUSSAIN, MS. P AHMED
Advocate for the Respondent : PP, ASSAM, MR A HAQUE(R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.08.2024

Heard Mr. M. I. Hussain, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent No.1 and Mr. S. Islam learned counsel appearing on behalf of Mr. A. Haque, learned counsel for respondent No.2.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Sujit Barman**, has prayed for grant of bail in connection with **Abhayapuri P.S. Case No.122/2024** under Sections **448/365/376DA IPC read with Section 6 of POCSO Act**.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 57 days since his arrest on 24.06.2024. The petitioner is no way connected with the alleged offence and his name is also not mentioned in the FIR. It is further stated that the victim in her statements recorded under Sections 161 and 164 Cr.P.C. has also not implicated the petitioner. Considering the length of detention, prayer for bail may be considered.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submitted that the victim in her statements recorded under Sections 161 and 164 Cr.P.C. has also not implicated the petitioner. The allegation against the petitioner is that he has assaulted the victim on her head. However, the length of detention may be considered.

Mr. S. Islam learned counsel appearing on behalf of Mr. A. Haque, learned counsel appearing for respondent No.2 has opposed in granting bail to the petitioner.

In view of the submission of learned counsel for 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.1,00,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge (POCSO), North Salmara, Abhayapuri**.

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), North Salmara, Abhayapuri 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