

GAHC010160342024



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

Case No. : Bail Appln./2353/2024

ROVI ROI
S/O PAWAN RAI
R/O UZANBAZAR, PADUMPUKHURI
P.S. LATASIL, GUWAHATI
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP,, ASSAM

2:XXXXXX INFORMANT
D/O DEORAJ BASFORE

UZANBAZAR
PADUMPUKHURI
P.S. LATASIL
GUWAHATI
DIST. KAMRUP (METRO)

ASSAM
PIN-78100

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA,MR. N MAHAJAN,MR. P K DAS

Advocate for the Respondent : PP, ASSAM, MR. S MUNIR(INFORMANT),MR. C K NATH(INFORMANT)

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 24-09-2024

Heard Mr. D. Bora, learned counsel for the petitioner Rovi Roi, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 20.07.2024 in connection with Latasil Police Station Case No. 76/2024 under Section 376(2)(n) of the Indian Penal Code read with Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State and Mr. S. Munir, learned counsel for the respondent No. 2.

3. It is submitted on behalf of the petitioner that the victim is a major and she is not a minor and a false case has been brought up under Section 6 of the POCSO Act.

4. The allegation against the petitioner is that the petitioner promised to marry the victim but he has cheated the victim and the victim who was impregnated by the petitioner, gave birth to a male child.

5. Learned Additional Public Prosecutor has submitted that the victim has not attained majority and while she gave her statement under Section 164 of CrPC she has stated that she is 17 (Seventeen) years old.

6. I have scrutinized The Case Diary. I have also considered the submission that the petitioner is willing to cooperate with the investigation.

7. Considering all aspects, I deem it proper to grant bail to the petitioner.

The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) to the satisfaction of the learned Special Judge, Kamrup (M) under the conditions that :

- (i) the petitioner shall cooperate with the remaining part of investigation,*
- (ii) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation,*
- (iii) the petitioner shall not leave jurisdiction of the Court without prior permission.*

8. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

9. In terms of the above observation, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant