

GAHC010164942024



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

Case No. : Bail Appln./2454/2024

DIPJYOTI KONWAR
S/O LATE SANJEEB KONWAR, R/O SHIVA NAGAR, VIP ROAD, OPP.
HARMONY APARTMENT, NEAR NAMGHAR, P.S.-NOONMATI, DIST-
KAMRUP (M), ASSAM, PIN-781020

VERSUS

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

2:KAJAL DAS
S/O SRI KARTIK DAS
R/O NARENGI KOTONGPAR BAZAR
P.S.-NOONMATI
DIST- KAMRUP (M)
ASSAM
PIN-78102

Advocate for the Petitioner : MR. L GOGOI,

Advocate for the Respondent : PP, ASSAM, MR. R DEKA(R-2), F. K. AHMED(R-2), MR B
DEKA(R-2)

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

06.09.2024

Heard Mr L Gogoi, learned counsel for the petitioner, Dipjyoti Konwar, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is

behind bars since 30.07.2024, in connection with Noonmati PS Case No. 157/2024, under Section 6 of the POCSO Act, 2012

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam/respondent No. 1 and Mr R Yasin, learned counsel appearing on behalf of the respondent No. 2.

3. The allegation against the petitioner is that he had committed sexual assault on a minor victim, X, who is only 2 ½ years old.

4. The learned counsel for the respondent No. 2 and the learned Additional Public Prosecutor has raised serious objection, stating that considering the gravity of the offence, the petitioner is not entitled to bail.

5. The learned Counsel for the petitioner has submitted that the petitioner is only 18 years old and his father is a cancer patient and his mother has already passed away.

6. I have considered the submissions at the Bar with circumspection.

7. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.

8. I have also scrutinized the Case Diary.

9. Indeed, there are there are incriminating materials in the Case Diary against the petitioner.

10. At this juncture, there appears to be no justified ground to extend the privilege of

bail to the petitioner.

11. Hence, petition is rejected at this stage.

12. Send back the Case Diary.

JUDGE

Comparing Assistant