

GAHC010166642024



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

Case No. : Bail Appln./2493/2024

ASHOK MISTRY @ ASHOK MISTRI
S/O LATE GOLAP MISTRY @ MISTRI, R/O MAJHIPARA, THAKURPUKUR,
P.O.-THAKURPUKUR, P.S.-HARIDAPUR, DIST-SOUTH 24 PARGANAH, WEST
BENGAL AND P/R/A LIVE WELL FOUNDATION, JYOTIKUCHI,
KRISHNANAGAR, NEAR ISBT, P.S.-GARCHUK, GUWAHATI-35, DIST-
KAMRUP (M), ASSAM

VERSUS

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

2:RATUL DEY
S/O LATE BIPUL DEY
R/O JOURNALIST COLONY
KAHILIPARA
DISPUR
GUWAHATI-19
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : L K BORAH, MR. B.J. BRAHMA

Advocate for the Respondent : PP, ASSAM, MR. U CHOUDHURY (LEGAL AID COUNSEL FOR R-2), MS S Z HAYAT (R-2), MS B H SHIRIN (R-2), MR. S S S RAHMAN (R-2), MR. M R SODIAL (R-2)

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

ORDER

Date : 17-09-2024

Heard Mr. L.K. Borah, learned counsel for the petitioner Sri Ashok Mistry @ Ashok Mistri, 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 27.04.2024 in connection with Sessions Special Case No. 194/2024 arising out of Dispur Police Station Case No. 360/2024 under Sections 354A/323/376A of the Indian Penal Code, 1860 read with Sections 75/79 of Juvenile Justice Act.

2. Heard Mr. S.S.S. Rahman, learned counsel for the respondent No. 2, Mr. U. Choudhury, learned Legal Aid Counsel representing the respondent No. 2 and learned Additional Public Prosecutor Mr. D. Das for the respondent State.

3. The allegation is against the Rehabilitation Centre "Peace Wellness Foundation". The victim was in the Rehabilitation Centre and she was subjected to sexual assault in the Peace Wellness Foundation Rehabilitation Centre. The present petitioner was a cook in the Rehabilitation Centre.

4. It is submitted on behalf of the petitioner that he is not involved in the offence against the victim or other inmates of the Centre. He was only an employee at the Centre.

5. I have considered the submissions at the bar. I have also scrutinized the Trial Court Records and the Case Diary. It appears that bail may be granted to the petitioner.

6. The petitioner is hereby enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the

satisfaction of the learned Special Judge, Kamrup (M) under the conditions that :-

The petitioner shall cooperate with the trial, failing which the bail order shall stand cancelled.

7. In terms of the above observation, this Bail Application stands disposed of.
8. Send back the Case Diary.

JUDGE

Comparing Assistant