

GAHC010173252024



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

Case No. : AB/2250/2024

DHARMENDRA SUTRADHAR
S/O PUTUL SUTRADHAR
R/O VILL KAYETHPARA, PART-2,
P.O. KAYETHPAA
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM
PIN NO. 783389

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED HEREIN BY PP, ASSAM

2:SAMITA SUTRADHAR
W/O LT. KHAJEN SUTRADHAR

R/O VILL- POCHAGAON
PT.I

P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM

PIN-783338

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM, MR. D GOGOI (R-2)

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

ORDER

Date : 23-09-2024

Heard Mr. G. Chamuah, learned counsel for the petitioner.

2. The petitioner, Mr. Dharmendra Sutradhar has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, with prayer for bail as he is apprehending arrest in connection with Abhayapuri P.S. Case No. 191/2024 under Sections 140(3)/64(1) of the BNSS read with Section 6 of the POCSO Act.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the respondent No. 1/State of Assam and Mr. B. Baruah, learned counsel for the respondent no. 2.

4. The allegation against the petitioner is that he committed sexual assault on the minor victim.

5. It is submitted on behalf of the petitioner that the victim was almost at the verge of attaining majority. It is admitted that the petitioner and the victim had a love relationship and the victim eloped with the petitioner on her own wish and she had stayed with the petitioner for two months.

6. I have considered the submissions at the Bar and I have also scrutinized the case diary. I have considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him. The merits of the case are not brought to the fore as investigation is still under progress.

7. Considering all aspects petition is allowed. The petitioner shall be enlarged on bail of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

(i) The petitioner shall appear before the Investigating Officer within 1 (One) week and co-operate with

the investigation,

(ii) The petitioner shall refrain from such activities with which he is alleged,

(iii) The petitioner shall appear before the Investigating Officer on every fortnight, till completion of investigation, and

(iv) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant