

GAHC010190722024



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

Case No. : Bail Appln./2792/2024

GHANA KHANIKAR
S/O VILL- PACHIM CHAMPARA
P.O. MORNOI BEBEJIA
P.S. GHILAMORA
DIST. LAKHIMPUR, ASSAM

VERSUS

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

2:AKANI CHAMUA
S/O PADURAM CHAMUA
R/O AMUD CHAPORI
P.O. MORNOI BEBEJIA
P.S. GHILAMORA

DIST. LAKHIMPUR
ASSAM
PIN-787055
PHONE NO. 69001-0912

Advocate for the Petitioner : MR A KHANIKAR, R L CHUTIA

Advocate for the Respondent : PP, ASSAM, MR. B K GOGOI (R2)

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13-12-2024

Heard Mr. A. Khanikar, the learned counsel for the petitioner. Also heard Mr. R.J. Baruah, the learned Additional Public Prosecutor appearing on behalf the State respondent no.1 and Mr. B.K. Gogoi, the learned counsel appearing on behalf of respondent no. 2.

2. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of bail to the present petitioner, who is in custody since last 28.08.2024 in connection with Ghilamora Police Station Case No. 32/2024, under Sections 65(2) of the Bharatiya Nyaya Sanhita, 2023 R/W Section 6 of the POCSO Act.

3. It is submitted by Mr. Baruah, the learned Addl. PP that Case Diary received. However, from the Case Diary it is seen that charge-sheet is not yet submitted in this case.

4. In this context, Mr. Khanikar, the learned counsel for the petitioner submitted that the petitioner is behind the bar for 106 days and considering the period of detention he may be enlarged on bail.

5. In view of this without going into the merit of the case, it is seen that the IO failed to furnish the charge-sheet within the statutory period.

6. Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned SDJM, Nagaon, the accused/petitioner, namely Ghana Khanikar, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner 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; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned SDJM, Nagaon without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant