

GAHC010191002024



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

Case No. : Bail Appln./2780/2024

NIREN BORAH
S/O LATE RATNESWAR BORA
R/O VILL- MOHURAKUKH
P.S. KAMARGAON
DIST. GOLAGHAT, ASSAM, PIN-785619

VERSUS

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

2:RIJU PANGING
W/O SRI PRANJIT PANGING

R/O VILL- RANGAGORA ARABARI
P.S. KAMARGAON
DIST. GOLAGHAT
ASSAM
PIN-78561

Advocate for the Petitioner : MR. D CHOUDHURY, MR. R K SARMA, MR J DAS, MR T CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 29.10.2024

Heard Mr. T. Chakraborty, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State and Mr. G. Pegu, learned counsel for the respondent No. 2.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Niren Borah**, has prayed for bail in connection with **Special (POCSO) Case No. 39/2024(arising out of Kamargaon P.S. Case No. 06/2024) registered under Section 354A(i) IPC r/w Section 10 of POCSO Act, 2012.**

3. It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in custody since his arrest on 18.02.2024. Charge sheet has been filed and charge has also been framed by the learned trial court. It is also submitted that out of ten witnesses, six witnesses have been examined including the victim and the informant. As such, there is no question of influencing the victim. Considering the length of detention as well as the background of the case, the petitioner may be enlarged on bail.

4. Mr. Sarma, learned Additional Public Prosecutor for the State submits that as the victim and the informant were examined before the learned trial court, length of detention may be considered.

5. Mr. Pegu, learned counsel for the respondent No. 2 submits that he has objection in granting bail to the petitioner as the victim was sexually abused by the petitioner.

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the record including the statement of the victim.

7. It appears that the victim and the informant have already been examined including the other witnesses. In view of the above, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner, named above, shall be released on bail in connection with **Special (POCSO) Case No. 39/2024(arising out of Kamargaon P.S. Case No. 06/2024) registered under Section 354A(i) IPC r/w Section 10 of POCSO Act, 2012**, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount to the satisfaction of learned Special Judge (POCSO), Golaghat, Assam.

9. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge(POCSO), Golaghat, Assam without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to the remaining witnesses to be examined before the trial court;

(c) shall appear before the trial court on each and every date fixed for hearing without fail.

10. Breach of any of the above conditions, shall tantamount to cancellation of bail.

11. In the view of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant