

GAHC010197642024



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

Case No. : Bail Appln./2876/2024

ASSRUV DAS
S/O LATE BHABEN DAS,
RESIDENT OF BHAGBAT DHAM, JYOTIKUCHI, PO JYOTIKUCHI, PS DISPUR
DIST KAMRUP M ASSAM 781040

VERSUS

THE STATE OF ASSAM AND ANR
REP BY PP ASSAM

2:MRINAL BORO
S/O DANGSHI RAM BODO
RESIDENT OF HOUSE NO. 4
KAILASHPUR BIKASH NAGAR
KAHILIPARA PO ODALBAKRA
PS DISPUR DIST KAMRUP M ASSAM 78103

Advocate for the Petitioner : MR. J ABBAS, MS. H G DAS, I HOQUE

Advocate for the Respondent : PP, ASSAM, MR P H KONWAR (R-2)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 15.10.2024

1. Heard Mr. J. Abbas, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State as well as Mr. P. H. Konwar, learned Amicus Curiae representing the guardian of the victim girl.

2. This application under section 483 of BNSS, 2023 has been filed by the petitioner, namely, *Assruv Das*, who is detained behind the bars since 19.07.2024 in connection with Dispur P.S. Case No. 733/2024 under Sections 64(1) of the BNS, 2023 read with Section 4 of the POCSO Act, 2012.

3. The gist of accusation in this case is that on 18th July, 2024, the Medical Superintendent of Hayat Hospital Private Limited, Guwahati had lodged an FIR before the Officer-in-charge of Odalbakra Police Outpost under Dispur Police Station, *inter alia*, alleging that on 17.07.2024, a minor girl was brought to the said Hospital for delivery case as she was pregnant. The victim girl delivered a male child through normal delivery. However, as the victim was aged about 17 years, the hospital treated the case to be a medical emergency case and filed the said FIR.

4. The learned counsel for the petitioner has submitted that the petitioner and the victim girl were in relationship and they had eloped with each other and subsequently married in a temple. He has also submitted that the petitioner has been detained behind the bars for last 88 days and considering the length of detention as well as nature of this case, the prayer for bail is made.

5. On the other hand, learned Additional Public Prosecutor submits that the case diary has not been received and considering the fact that the offence involved in this case is under POCSO Act, 2012, he prays for perusal of the case diary before consideration of the bail application.

6. The learned Legal-aid-counsel representing the father of the victim girl has submitted that the victim girl had a relationship with the accused and they

married in a temple after eloping with each other.

7. I have considered the submissions made by the learned counsel for both the sides.

8. Today is the 3rd day fixed for production of the case diary, however, no reason has been shown as to why the case diary has not been produced. Moreover, considering the facts of this case as stated herein above as well as the period of detention already undergone by the petitioner in this case, his further custodial detention does not appear to be necessary for fair completion of Dispur P.S. Case No. 733/2024. Hence, the prayer for bail is allowed. The petitioner, namely, Assruv Das, is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject to the satisfaction of learned Special Judge, POCSO, Kamrup(M) with following conditions:-

(i) That the petitioner shall co-operate in the investigation;

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer.

9. With the above observation, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant