

GAHC010198412024



2024:GAU-AS:11208

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

**Case No. : Bail Appln./2911/2024**

RAJ RAM SINGH  
S/O- LT. AGYA RAM SINGH, R/O- RLY QTR. NO. 726 (A), NEAR OJAH  
HEMCHANDRA BIDYAPITH, BHASKAR NAGAR, P.S. GEETANAGAR,  
GUWAHATI, ASSAM, PERMANENT ADDRESS- VILLAGE- TARIGAON, P.O.  
BOKO, DIST.- KAMRUP (R), ASSAM

VERSUS

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

2:MISS SUMARI KHATUN  
W/O- MOHAR ALI  
R/O- H/NO. 726(A)  
BHASKAR NAGAR  
RPF FIELD  
NEAR SIV MANDIR  
P.S. GEETANAGAR  
KAMRUP (M)  
ASSAM  
MOB. NO.- 690150815

**Advocate for the Petitioner** : MR. SHUROT ZAMAL SHEIKH, PALLAB JYOTI DAS

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE  
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**18-11-2024**

A detail order was passed earlier on 12.11.2024.

- 2.** A bail application was filed for the petitioner relating to POCSO case, where the affidavit was sworn by the maternal uncle of the petitioner.
- 3.** From the records of the case, which was called for by the Court, it is seen that 6 days prior to the filing of this bail application and swearing of the affidavit, the learned Special Judge (POCSO), Kamrup (Metro), Guwahati already recorded the Section 313 statement of the accused person of the case, i.e., the petitioner and further, by order dated 12.09.2024 clearly indicated that after recording evidences of prosecution witnesses, examining the accused and hearing both sides, according to the said Court the case did not appear to be one of acquittal under Section 232 CrPC and as such it fixed the matter for argument.
- 4.** When the matter was moved on 24.09.2024, there was no submission from the side of the petitioner with regard to the said observation of the learned Special Court, except stating that evidences of six of the prosecution witnesses have been recorded by the Trial Court.
- 5.** On the last occasion, i.e., on 12.11.2024, when the matter was taken up for consideration of the bail of the petitioner, none appeared for him and only Ms. S. H. Bora, learned Addl. PP from the records placed before the Court that by judgment and order dated 01.10.2024, the petitioner has already been convicted and sentenced to undergo Rigorous Imprisonment for 25 ( twenty

five) years for the offence under Section 6 of the POCSO Act as well as Section 376 AB IPC and to pay a fine of Rs.20,000/- and in default of payment of fine to undergo R. I. for another period of 1 (one) year.

**6.** Pursuant to the order of the Court dated 12.11.2024 and being informed of fixing this matter today by the Court, Mr. S. Z. Sheikh, learned counsel for the petitioner appeared in the matter today and submitted that he was not informed on behalf of the petitioner regarding such order being passed by the learned Special Judge (POCSO), Kamrup (Metro), Guwahati in the case.

**7.** Considering such submission and the fact that the learned Special Judge (POCSO), Kamrup (Metro), Guwahati has already passed the judgment against the petitioner herein in Sessions Special Case No. 226/2023 arising out of Geetangar P.S. Case No. 212/2023 registered under Section 6 of the POCSO Act, 2012, this bail application being infructuous stands closed with a cost of Rs.5,000/- to be paid by the petitioner before the Gauhati High Court Legal Services Authority on or before 16.12.2024 obtaining necessary acknowledgment in that regard.

**JUDGE**

**Comparing Assistant**