

GAHC010220502024



2024:GAU-AS:12204

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

Case No. : Bail Appln./3335/2024

JOYSING RONGHANG
S/O LATE BORSING RONGHANG, VILL- BORSHING RONGHANG
BALISHAPARI GAON, P.S.-HOWRAGHAT, DIST- KARBI ANGLONG, ASSAM,
PIN-782460

VERSUS

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

2:SIKARI TERON
S/O LATE TENSON TERON
VILL-PHULOK KRO (PINPO)
P.O.-AMTRENG
P.S.BAITHALONGSO
DIST-WEST KARBI ANGLONG
ASSAM
PIN-87245

Advocate for the Petitioner : MR. M SARANIA, N GOGOI, MR A SARANIA, MR. P P GOGOI

Advocate for the Respondent : PP, ASSAM, MR B DEURI (R-2)

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

ORDER

03-12-2024

Heard Mr. M Sarania, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Joysing Ronghang**, son of late Borsing Ronghang, resident of Village- Balishapari Gaon, Police Station-Howraghat, District-Karbi Anglong has filed this application under Section 483 BNSS, 2023, praying for his release on bail in Howraghat Police Station Case No. 44/2024 registered under Sections 65(1) of BNS, 2023 read with Section 6 of the POCSO Act, 2012, corresponding to G.R. No. 207/2024, in which he was arrested on 10.09.2024 and is in custody since then.

3. It is seen from the FIR of the case that one Medical Officer of Bakalia CHC on 08.9.2024 lodged a written complaint before the Officer-in-Charge of Howraghat Police Station, Karbi Anglong stating that a minor victim girl of 13 years age was diagnosed with pregnancy that came to light when her urine pregnancy test was found positive in the said health centre. After getting result of the pregnancy test, immediately the patient, i.e., the victim girl and the party accompanying the patient left the said hospital premise despite medical advice given to the minor victim girl to stay in the hospital.

4. Said complaint dated 08.09.2024 was considered as the FIR of the case and accordingly, Howraghat Police Station Case No. 44/2024 was registered under Sections 65(1) of BNS, 2023 read with Section 6 of the POCSO Act, 2012, corresponding to G.R. No. 207/2024.

5. During investigation of the case, the petitioner was arrested on 10.09.2024 and since then he is in custody.

6. Petitioner stated that he is no way connected with the case and that he has been

falsely implicated by the police in said Howraghat P.S. Case No. 44/2024.

7. Petitioner was produced before the learned Special Judge (POCSO), Karbi Anglong, Diphu on 10.09.2024. Mr. Sarania, learned counsel for the petitioner has submitted that in the said forwarding dated 10.09.2024, the Investigating Officer of the case has wrongly shown his age as 59 years, whereas he is about 74 years old. Further, it is submitted by the petitioner that he can prove his innocence in the alleged crime as been pointed to him.

8. Perused the case diary placed before the Court today by Mr. B Sarma, learned APP, Assam.

9. It is seen from the statement of the minor victim girl recorded by the learned Judicial Magistrate First Class, Karbi Anglong under Section 183 BNSS on 10.09.2024 that she had implicated the petitioner in the alleged crime. It is also seen from the case diary that in her statement under Section 180 BNSS made before the police, the minor victim implicated the petitioner.

10. Mr. B Sarma, learned APP, Assam has submitted that in the meanwhile, the minor victim girl gave birth to a baby and the concerned I.O. of the case has already approached the learned Special Judge (POCSO), Karbi Anglong for DNA test of the said baby, in which necessary order is yet to be passed.

11. Considering the statement of the victim girl recorded under Section 183 BNSS before the learned JMFC, Karbi Anglong as well as her statement made before the police under Section 180 BNSS, the Court is not inclined to grant bail to the petitioner in said Howraghat P.S. Case No. 44/2024 considering his detention since 10.09.2024.

12. Accordingly, this bail application of the petitioner, named above, in Howraghat P.S. Case No. 44/2024 stands rejected.

13. Return the case diary.

JUDGE

Comparing Assistant