

GAHC010233012024



2024:GAU-AS:12608

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

Case No. : AB/2926/2024

CHANDRAJIT DOLEY
S/O- GOLAP CH. DOLEY, R/O- RAMNAGAR WARD NO. 3, P.O., P.S. AND DIST.
DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

12-12-2024

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

2. Apprehending his arrest, the petitioner namely, **Dr. Chandrajit Doley**, son of Golap Ch. Doley, resident of Ramnagar Ward No. 3, P.S.-Dhemaji, District- Dhemaji has filed this application under Section 482 BNSS, 2023 seeking pre arrest bail in **Silapathar Police Station Case No. 209/2024** registered under Sections 61(2)/143(4) of the BNS, 2023 read

with Sections 75/81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, corresponding to G.R. No. 489/2024 (SLP).

3. As per the FIR dated 28.10.2024 lodged by one Rupali Deka Borgohain, Chairperson, Child Welfare Committee, Dhemaji before the Officer-in-Charge of Silapathar Police Station, the case is that an illegal adoption case involving a new born baby girl took place and the said baby girl was rescued from the house of the petitioner. Accordingly, Silapathar P.S. Case No. 209/2024 under Sections 61(2)/143(4) of the BNS, 2023 read with Sections 75/81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 was registered.

4. The petitioner is a Doctor by profession. The parents who took the baby girl from the original parents finding her to be sick brought her to the petitioner for her check-up and that is how the name of the petitioner was involved in said Silapathar Police Station Case No. 209/2024.

5. The Court on 20.11.2024 while calling for the case diary, granted interim bail to the petitioner in said Silapathar P.S. Case No. 209/2024 with certain terms and conditions.

6. Mr. D Gogoi, learned counsel for the petitioner has submitted that pursuant to the order dated 20.11.2024, the petitioner appeared before the concerned Investigating Officer of the case on 25.11.2024.

7. Mr. B Sarma, learned APP, Assam, on instruction, has submitted that the petitioner after obtaining interim bail in said Silapathar P.S. Case No. 209/2024, appeared before the concerned Investigating Officer of the case and his statement have been recorded.

8. Considering the above, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Silapathar P.S. Case No. 209/2024. As such, this pre arrest bail application of the petitioner is accepted.

9. Accordingly, the interim pre-arrest bail granted to the petitioner on 20.11.2024 in said Silapathar P.S. Case No. 209/2024 registered under Sections 61(2)/143(4) of the BNS, 2023 read with Sections 75/81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the order dated 20.11.2024, noted above.

- 10.** Any violation of the terms and conditions as specified in the order dated 20.11.2024, noted above, by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned Silapathar P.S. Case No. 209/2024 shall stand automatically vacated.
- 11.** This pre-arrest bail application accordingly stands disposed of.
- 12.** Return the case diary herewith.

JUDGE

Comparing Assistant