

GAHC010233502024



2024:GAU-AS:12986

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

Case No. : Bail Appln./3417/2024

KRISHNA BISWAS
S/O LATE BIREN BISWAS, R/O HARINATHPUR, PS. SILAPATHER, DISTRICT
DHEMAJI, ASSAM

VERSUS

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

2:SMT MAYARANI DAS
W/O GANESH BARUA
R/O SILAPATHER PWD COLONY
PS. SILAPATHER
DISTRICT DHEMAJI
ASSA

Advocate for the Petitioner : MR. S MUNIR, MR. KHAIRUL ISLAM, MR. N HOQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19.12.2024

Heard Mr. S Munir, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam, for the State/opposite party No. 1.

2) The petitioner, namely, **Sri Krishna Biswas**, son of Late Biren Biswas, resident of

Harinathpur, P.S.-Silapathar, District-Dhemaji has filed this application under Section 483 BNSS, 2023, seeking his bail in **Silapathar Police Station Case No. 182/2024**, registered under Sections 61(2)/65(1)/75(2) BNS, 2023 read with Sections 4/12 of the POCSO Act, 2012, corresponding to G.R. No. 434/2024, wherein, he was arrested on 20.09.2024 and is in custody since then.

3) As per the written ejahar dated 18.09.2024 lodged by the informant/ complainant before the Officer-in-Charge of Silapathar Police Station, the case is that the petitioner along with other co-accused persons, sexually assaulted the minor daughter of the complainant and also forcefully committed rape on her on multiple occasions. As such, she approached the Officer-in-Charge of Silapathar Police Station and prayed before the said authority to take necessary legal action against those accused persons of the case.

4) Accordingly, the said written ejahar of the complainant/informant was registered as Silapathar Police Station Case No. 182/2024 under Sections 61(2)/65(1)/75(2) BNS, 2023 read with Sections 4/12 of the POCSO Act, 2012, corresponding to G.R. No. 434/2024.

5) Perused the office note dated 30.11.2024, which clearly shows that notice has been duly served upon the informant/opposite party No. 2.

6) On being enquired, Mr. B Sarma, learned Additional Public Prosecutor, Assam submitted that till date, charge-sheet has not been filed in said Silapathar P.S. Case No. 182/2024 till date.

7) The petitioner herein was produced before the Court of learned Special Judge (POCSO), Dhemaji on 20.09.2024 and has completed 90 days in custody, thereby completing the mandatory period of his detention. Therefore, the petitioner is entitled for his default bail in said Silapathar P.S. Case No. 182/2024.

8) Accordingly, the petitioner, namely, **Sri Krishna Biswas**, son of Late Biren Biswas is granted default bail in said Silapathar P.S. Case No. 182/2024 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties, each of the like amount, one of which shall be a government employee, either Central or State Government, to the satisfaction of the learned Special Judge (POCSO), Dhemaji subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Silapathar P.S. Case No. 182/2024, every Thursday, for the next three English calendar months commencing from 26.12.2024 or till filing of the charge-sheet in the case, whichever is earlier and thereafter, as and

when he is required in said Silapathar P.S. Case No. 182/2024, either before the Investigating Officer of the said case or before the Court concerned, as the case maybe;

- ii) shall not leave the territorial jurisdiction of Silapathar Police Station without obtaining prior written permission from the Investigating Officer of said Silapathar P.S. Case No. 182/2024;
 - iii) shall not hamper with the investigation, or tamper with the evidence of the case;
 - iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer;
 - v) shall not threaten the victim girl or any other members of her family, by himself or by anyone or by others, acting on his behalf;
 - vi) shall not involve himself in any criminal activities in the future.
- 9) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sri Krishna Biswas**, son of Late Biren Biswas, the bail granted to him in said Silapathar P.S. Case No. 182/2024, shall stand automatically vacated.
- 10) This bail application accordingly stands allowed.

JUDGE

Comparing Assistant