

GAHC010244222024



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

Case No. : Bail Appln./3596/2024

MEJA DAS
S/O HARADHAN DAS, R/O VILLAGE RONGKUT, LATIKA BAZAR, PS.
HOWRAGHAT, DISTRICT KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A SHARMA, MR I AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

27.11.2024

1. Heard Mr. A. Sharma, learned counsel for the petitioner Meja Das.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 05.11.2024 in connection with Lanka P.S. Case No.

322/2024 under Sections 87 of the BNS.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised objection stating that the victim appears to be a minor aged only 14 years. There is an apprehension that POCSO Act may be added.

5. The allegation against the petitioner is that he kidnapped the minor victim 'X'. It is submitted on behalf of the petitioner that an agreement was executed between the petitioner's father and the victim's father, and that the victim would stay in the petitioner's house till she attains majority and was told that she would be taken care of like their own daughter. It is further submitted that the victim went away to the petitioner's house on her own volition.

6. I have considered the submissions at the Bar with circumspection. The petitioner has been behind bars since 05.11.2024.

7. Investigation may have presumably progressed substantially.

8. I have considered the submission that an agreement was executed between both the parties marked as Annexure-3 of the petition. The petitioner himself is a student and Annexure-4 is the High School Leaving Certificate of the petitioner. The minor victim has already been recovered.

9. The petitioner is willing to cooperate with the remaining part of investigation and to abide by any stringent bail conditions, if imposed upon him.

10. Considering all aspects, petition is allowed. The petitioner shall be

enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the Elaka Magistrate/Jurisdictional Court under the condition that:

(i) The petitioner shall cooperate with the remaining part of investigation and appear before the Investigating officer on every fortnight till completion of investigation.

11. On breach of any of the bail conditions, the Court is at liberty to cancel the order granted to the petitioner.

12. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant