

GAHC010244232024



2024:GAU-AS:12215

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

Case No. : Bail Appln./3541/2024

GOPAL BARMAN
S/O KHOKARAM BARMAN
R/O VILL- NIMNA FULGURI
P.S. BASUGAON
DIST.CHIRANG, BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SMT. SARASWATI BARMAN
W/O SRI MAOJIT BARMAN
R/O VILL- FULGURI
P.S. BASUGAON
DIST. CHIRANG
BTR
ASSA

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

03-12-2024

Heard Ms. S Rahana, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Gopal Barman**, son of Khokaram Barman, resident of Village-Nimna Fulguri, Police Station-Basugaon, District-Chirang has filed this application under Section 483 BNSS, 2023, praying for his release on bail in Basugaon Police Station Case No. 29/2024 registered under Sections 329(4)/115(2)/75/64 of BNS, 2023 read with Section 4 of the POCSO Act, 2012, in which he was arrested on 04.09.2024 and is in custody since then.
3. As per the FIR dated 04.09.2024 lodged by the informant before the Officer-in-Charge of Basugaon Police Station, the case is that on 01.09.2024 at about 2 PM, the petitioner called her minor daughter aged about 17 years to come out from their house and sit in his motorcycle. When her daughter refused, the petitioner beat her by his hand. When her husband came out of their house hearing the noise, the petitioner threatened them and left. Later, they came to know that the minor daughter of the informant and the petitioner had love affair between them for the last one and half year and the petitioner by physically torturing and threatening, made physical relationship with her. Later, when the village people asked him not to viral the obscene photos of the minor victim, the petitioner on the next day threatened the victim's family that he would viral the obscene photos.
4. Accordingly, the said FIR dated 04.09.2024 was registered as Basugaon Police Station Case No. 29/2024 under 329(4)/115(2)/75/64 of BNS, 2023 r/w Section 4 of the POCSO Act, 2012 against the petitioner.
5. Mr. B Sarma, learned APP, Assam, on instruction, has submitted that Charge-Sheet in the case has not yet been filed till date.
6. Since 04.09.2024, the petitioner is in custody for 90 days till date and has already completed the statutory/mandatory period of his detention.
7. Considering the above, the Court is of the view that the petitioner is entitled for his default bail in said Basugaon Police Station Case No. 29/2024.
8. Accordingly, the petitioner, namely, **Gopal Barman**, be released on default bail in said Basugaon P.S. Case No. 29/2024, on furnishing bail bond of Rs. 50,000/- with two local sureties each of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Special Judge (POCSO) cum Sessions Judge, Chirang on conditions that the petitioner —

- (i) shall appear before the concerned Investigating Officer of said Basugaon P.S. Case No. 29/2024 on every Monday commencing from 16.12.2024 for the next two English Calendar months or till filing of the Charge-Sheet in the case, whichever is earlier and also as and when he is required for necessary investigation of the said case;
- (ii) Shall surrender his passport, if any, before the Special Judge (POCSO) cum Sessions Judge, Chirang on or before 13.12.2024.
- (iii) shall not leave the territorial jurisdiction of Basugaon Police Station without obtaining prior written permission from the concerned I.O. of the case;
- (iv) shall not hamper or tamper with the evidence of the case;
- (v) 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;
- (vi) shall not involve himself in any criminal activities and
- (vii) shall not threaten the minor victim girl or anyone in her family by himself or by others, acting on his behalf.

9. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Gopal Barman**, the bail granted to him in said Basugaon P.S. Case No. 29/2024 shall stand automatically vacated.

10. With the above observations and directions, this bail application accordingly stands disposed of.

JUDGE

Comparing Assistant