

GAHC010248452023



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

Case No. : AB/3718/2023

DR. SASHI MOHAN DAS
S/O LATE SUBHA RAM DAS, R/O H. NO.9 , JYOTI BISHNU PATH,
GOTANAGAR, P.O. MALIGAON, P.S- JALUKBARI, GUWAHATI, ASSAM. PIN
-781011

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY ITS PUBLIC PROSECUTOR.
2:THE SUPERINTENDENT OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE
DISTRICT-KAMRUP, ASSAM.

3:THE DISTRICT CHILD PROTECTION OFFICER, KAMRUP
AMINGAON, ASSAM. PIN - 78103

Advocate for the Petitioner : MR S BORTHAKUR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08-02-2024

Heard Mr. S. Borthakur, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

Apprehending arrest in connection with Changsari P.S. Case No. 310/2023, under Sections 376/313 of the IPC read with Section 6 of the POCSO Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Dr. Sashi Mohan Das, for grant of pre-arrest bail. The said case has been registered on the basis of an F.I.R., lodged by one Malabika Kalita, District Child Protection Officer, Kamrup, Amingaon on 15.9.2023.

The essence of allegation made in the FIR dtd. 15.9.2023 is that Dr. Sashi Mohan Das of Burka area, illegally aborted the pregnancy of one minor victim girl, namely, Smt 'X' on 14.9.2023 in his private chamber, who was impregnated by one Devajit.

Mr. Borthakur, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail vide order dated 31.10.2023, and pursuant to said order, he had appeared before the I.O and cooperating with the investigating agency and as per his information, the I.O. has completed investigation and submitted charge-sheet herein this case and the applicant is ready to face trial and therefore, Mr. Borthakur contended that interim order dated 31.10.2023, may be made absolute, in the same terms and condition.

On the other hand, Mr. B. Sarma, learned Addl. P.P. has obtained necessary instruction from the officer-in-charge concerned Police Station and submits that the I.O, after completion of investigation laid charge sheet, being Charge-sheet No. 258 /2023, dated 28.12.2023, u/s 313/ 201/ 336 IPC, read with Section 21 of the POCSO Act, against the present applicant.

In view of above, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on **1.3.2024**, and to apply for regular bail and in the event of filing such an application, the learned

Court below shall consider the same, in accordance with law.

Till then, interim order dated 31.10.2023 shall continue.

JUDGE

Comparing Assistant