

GAHC010264842023



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

Case No. : Bail Appln./4365/2023

SAMBHU MALLIK
S/O LATE ACHHE MALLIK
C/O S.P. OFFICE CAMPUS,
P.S. AMINGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SMTI. ANJU PATOWARY
W/O SAMBHU MALLIK
R/O VILL- BAMUNIGAON
KAMRUP
AMINGAON

Advocate for the Petitioner : MR. K K SINGH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-01-2024

1. Heard Mr. K.K. Singh, learned counsel for the petitioner.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure with prayer for bail as he is behind bars since 05.10.2023 in connection with North Guwahati Police Station Case No. 115/2023 under Section 376AB of Indian Penal Code R/W Sec. 6 of the POCSO Act.
3. Service report on respondent No. 2 is complete. The respondent No. 2 has received notice but he is not represented today.
4. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent No. 1 State of Assam.
5. I have considered the submissions at the bar that the petitioner is behind bars for more than 90 (ninety) days. Case diary is not received. Charge sheet has not been submitted.
6. Considering all aspects, petition is allowed.
7. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* to the satisfaction of the learned Special Judge, Amingaon under the conditions that:
 - (1) *The petitioner shall refrain from such activities with which he is alleged;*
 - (2) *the petitioner shall not exercise threats to the witnesses;*
 - (3) *the petitioner shall cooperate with the investigation as well as with the trial.*
8. On breach of any of the bail conditions, bail order shall stand cancelled.
9. Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant