

GAHC010282252023



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

Case No. : Bail Appln./4587/2023

ANANTA NARAYAN BORAH
S/O LATE RUPADHAR BORAH
R/O R.K. BORUAH ROAD,
CHANDAN NAGAR, P.S. GOLAGHAT,
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. THROUGH ITS PP, ASSAM

2:PRARONA BORDOLOI
D/O LATE INDU KALPA BORDOLOI
R/O STATION ROAD
GOLAGHAT
WARD NO. 5

PIN-785621

DIST. GOLAGHAT
ASSA

Advocate for the Petitioner : MR. J M GOGOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 29-01-2024

Heard Mr. J.M. Gogoi, learned counsel for the petitioner *Ananta Narayan Borah*.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since 31.10.2023 in connection with Golaghat Police Station Case No. 259/2023 under Sections 354/376(3) of the Indian Penal Code, 1860 (IPC for short) read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act for short).

3. Hear Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent No. 1 State of Assam.

4. Service report on respondent No. 2 is waited.

5. I have considered the submissions at the bar with circumspection that the petitioner is behind bars for 90 (ninety) days. Case diary is received. The case diary reveals that charge sheet has not been submitted. The petitioner has prayed for default bail under Section 167(2) of the CrPC.

6. Considering the length of detention, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of learned Special Judge POCSO, Golaghat under the conditions that:

i. *The petitioner shall cooperate with the trial as well as with the remaining part of the investigation.*

- ii. The petitioner shall not exercise threats to the witnesses and the victim.*
- iii. The petitioner shall not go near the vicinity of the victim.*
- 7. On breach of any bail conditions, bail order shall stand cancelled.

Send back the case diary.

In the above terms, this Bail Application stands closed.

JUDGE

Comparing Assistant