GAHC010044542020

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

Case No. : Bail Appln. 571/2020

1:ARUP SARMA
S/O- JOYDEV SARMA, R/O- JONGRABORI RAJBAHA, P.S. AZARA, DIST.- KAMRUP (M), ASSAM

VERSUS

1:THE STATE OF ASSAM
TO BE REP. BY P.P., ASSAM

Counsel for the Applicant(s) : Mr. S. M. Mollah, Advocate.

Counsel for the Respondent(s) : Mr. N. J. Dutta, Addl. Public Prosecutor, Assam.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

27.04.2020:

1. The applicant, namely, Arup Sarma has preferred this application under Section 439 of the Code of Criminal Procedure for bail in connection with Garchuk P.S. Case No.89/2020, under Section 366 IPC and added section 4 of POCSO Act.

2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.

3. I have heard Mr. S. M. Mollah, learned counsel for the applicant and Mr. N. J. Dutta, learned Additional Public Prosecutor, Assam for the respondent.

4. As per the accusations in the FIR, daughter of the complainant aged about 17 years, was missing/had been kidnapped from Pragjyotish English Medium Higher Secondary School. Suspicion has been shown on one Arup Sarma of committing the offence.

5. Mr. N. J. Dutta, learned counsel for the State has informed the Court that investigation has been concluded. Incriminating evidence has been found indicating commission of the offence. Prima-facie the offence has been committed by the applicant also. Even provision of POCSO Act has been invoked.

6. Learned counsel for the applicant contends that since charge sheet has been filed, let this application be disposed of with liberty to the applicant to file an application for bail before the lower court, which has not been approached till date, on grounds of bail that might be made out from the charge sheet.

7. Application is disposed of, with liberty to the applicant to approach the lower court, if so advised.

8. Let a copy of the order be provided under the signatures of the Court Master.

CHIEF JUSTICE

Comparing Assistant