GAHC010166202020

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

Case No. : Bail Appln./2572/2020

BIKRAM HORIJAN
S/O- SURENDRA HARIJAN, VILL- DARIA BASTI, PS AND DIST- HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR. I A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

03-12-2020.

By filing this second bail petition under Section 439 of the CrPC, petitioner Bikram Horijan who is in custody since 27.02.2020, has prayed for releasing him on regular bail in connection with the Special (P) Case No.07/2020 (arising out of the Hojai P.S. Case No.164/2020), under Section 302/376A of the IPC, read with Section 4 of the POCSO Act.

Heard learned counsel for both sides and perused the record.

It is seen that the learned trial Court has already framed the charge against the accused person under Section 302/376(A) of the IPC, read with Section 6 of the POCSO Act and after the direction of this Court in the Bail Application No.2291/2020, dated 05.11.2020 on the earlier occasion, the learned trial Court has already processed for the day to day hearing of the case and has rejected the bail prayer, considering the nature and gravity of the case.

The petitioner herein has approached this Court again, for bail on the ground of length of detention and that witnesses have not yet been examined.

After going through the record it appears that the victim was a minor girl aged about 4 years 9 months and her dead body was recovered from a jungle with sign of rape as well as severe injuries on her body.

As it appears that the learned trial Court has rightly rejected the prayer made by the accused/petitioner after due consideration of nature and gravity of the offence and opined that it will be improper to grant the bail as there is possibility of abscond and evade the process of trial.

I find no any illegality in the order so passed by the learned trial Court to interfere into and accordingly the petition is rejected with the same observation made earlier on 05.11.2020, in Bail Application No.2291/2020.

The bail petition stands dismissed accordingly.

JUDGE

Comparing Assistant