GAHC010177092020

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

Case No. : Bail Appln./2747/2020

NIRANJAN DIHINGIA
S/O SRI CHANDRA DIHINGIA, VILL-TELPANI KONWARGAON, P.O.-DEOGHARIA, P.S.-NAMTI, DIST-SIVASAGAR, ASSAM, PIN-785696

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

09-12-2020.

By filing this petition under Section 439 of the CrPC, petitioner Niranjan Dihingia who is in custody since 10.07.2020, has prayed for releasing him on regular bail in connection with Special (POCSO) Case No.47/2020, under Sections 366/376(2) of the IPC, read with Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

The charge sheet in the case has been filed against the accused/ petitioner under Sections 366/376(2) of the IPC, which is now pending before Court of the learned Special Judge, Sivasagar, in connection with the Special (POCSO) Case No.47/2020.

The petitioner has come with the present bail petition, as the learned trial Court has not granted him bail. On the other hand, it is submitted that the victim who was known to the present petitioner has stated about the long relation with the accused. As such the offence alleged will not sustain against the present petitioner.

Heard the learned counsel for both sides and perused the record.

As it reflects that the victim is a minor girl of 17 years of age and the offence under section 6 of the POCSO Act is added along with other sections of law. The case is at the stage of furnishing of copy as well as framing of charge. Perhaps by the next date, the Court will frame the charge on the basis of the materials on record.

Accordingly the bail prayer is rejected with a direction to the petitioner to renew his bail prayer before the learned trail Court, after the framing of charge and the learned trial Court will consider and dispose of the same in accordance with law, after hearing the parties.

The bail petition stands disposed of accordingly.

JUDGE

Comparing Assistant