

Crl. Misc. (B) Case No. 534/2020

ORDER

29-09-2020

This bail application has been filed under Section 437 CrPC for accused Sri Satya Saikia in connection with Tingkhong PS Case No. 172/2020 under Section 354 IPC read with Section 8 POCSO Act.

Gone through the record of Tingkhong PS Case No. 172/2020.

Vide order dtd. 12-08-2020, bail prayer of the accused was rejected after perusal of the CD, as the CD contains materials of accused having committed rape on a minor girl aged about 15 years, which attract Section 4 of the POCSO Act.

The case has been registered under Section 354-A IPC read with Section 8 POCSO Act, but the materials in CD attract Section 4 of POCSO Act.

Learned Advocate for the accused submitted that the accused has completed statutory period in custody since 27-07-2020 and be allowed to go on bail.

The statutory period for offence under Section 354-A IPC read with Section 8 POCSO Act is 60 days in terms of Section 167(2) CrPC, but as mentioned above, the act of the accused attract Section 4 of the POCSO Act for which punishment extends to imprisonment for life and thereby, statutory period is 90 days. Hence, bail prayer stands rejected.

Misc. case stands disposed off.

Let a copy of this order be released as certified to be true copy under the signature of the Bench Assistant.

Sessions Judge,
Dibrugarh