

**Present:**

**: Sri S.K. Kabra  
Addl. Sessions Judge (FTC)  
Dibrugarh.**

**Criminal Misc. (B) Case No. 36/2022**

**Order**

**10.02.2022**

The argument on the present bail application was advanced by the Ld. Counsel for the accused/petitioner and by the Ld. Addl. P.P. on 09.02.2022. Today the matter is fixed for orders.

This is a petition u/s 439 of CrPC for granting bail to accused Shri Bikash Sah @ Godu, who is in jail custody, in connection with Joypur P.S. Case No. 06/2022 registered u/s 366 of IPC.

Called for Case Diary is received and I have perused the same. I have also heard both the parties.

During hearing, Ld. Counsel for the petitioner/accused submitted that accused is innocent as the victim girl herself eloped with the accused person of her own free will. It is also stated that victim has already been recovered and nothing more remains to be investigated and thus there is no purpose of keeping the accused behind bars any further. It is also stated that accused is the only bread-earner of his family and his entire family is facing hardship. It is also submitted that accused person shall abide by any condition imposed upon him if bail is granted.

On the other hand, learned Addl. PP has opposed the bail petition.

I have considered the submissions of both sides. After going through the entire record including FIR, Case Diary and statement of victim u/s 164 of CrPC, it appears that victim had voluntarily eloped with the accused person as both of them were having love affair. Victim girl has categorically stated in her statement that she had no physical

relation with the accused during her stay with the accused. In view of the categorical statement of the accused, POCSO Act is not attracted in the present case.

It appears from the case diary that investigation has progressed substantially and major portion of investigation is completed.

Considering the entire facts and circumstances as discussed above, including material collected by the investigative agency and period of detention of accused in the judicial custody (i.e. since 21.01.2022), I am of the view that further custodial investigation may not be required in the present case. Accordingly, **the prayer for bail is allowed.**

Accused Shri Bikash Sah @ Godu is allowed to go on bail on furnishing a bond of Rs. 20,000/- with one surety of like amount to the satisfaction of the concerned Ld. Elaka Magistrate with further conditions that :-

- a) Accused shall co-operate with the investigative agency and appear before them as and when called for;
- b) Accused shall appear before the court as and when called for;
- c) Accused shall not commit any similar offence;
- d) Accused shall not try to influence the prosecution witness;
- e) Accused shall not tamper with the evidence.

Send back the Case Diary along with a copy of this order to the Joypur Police Station for information and necessary action.

A free copy of this order under the signature/certificate of the Bench Assistant be provided to the Learned Counsel for the accused.

Accordingly, the bail Petition is disposed of.

  
Aditya Saha, Judge (F.F.C.)  
Dibrugarh

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