

Bail Application No. 150/2020

04.04.2020:

None has appeared on behalf of the accused petitioner.

The Court works paralyzed due to Corona Virus pandemic and Nationwide Lockdown.

The Case Diary as called for has been received. Perused the same.

This is an application filed u/s 438 Cr.PC, praying for pre-arrest bail by the accused petitioner namely, Sri Chot Khorai @ Satrasing Khorai @ Tipu in connection with Jagiroad PS Case No. 79/2020 (GR No. 406/2020) u/s 365 IPC.

The FIR dated 08.02.2020, lodged by one J. Khatun discloses that about two months back the minor daughter of the informant was kidnapped by the FIR named accused person and for which a case vide no. 845/19 is under investigation. It is further alleged that on 08.02.2020, at about 6:00 PM, while the minor daughter of the informant was in front of her house the accused person by coming in a vehicle again kidnapped her and kept her confined and is traceless.

On going through the Case Diary, it appears that during investigation the victim was recovered and as per the school documents her date of birth is 04.05.2002. From her statement given u/s 161 Cr.PC, it appears that on 08.02.2020, the accused Khorai @ Tipu took her with him on her consent and they stayed together for three days and after performing marriage she and the accused cohabited as husband and wife. From the record, it appears that though she went with the accused on her own but being minor having entered into cohabitation, a prima facie case for offence u/s 4 of the POCSO Act, 2012 r/w Section 376 IPC is also made out against the accused.

Considering the above, I am of the opinion that it is not a fit case for granting pre-arrest bail to the accused petitioner at this stage of investigation and as such, the prayer for bail for the accused Sri Chot Khorai @ Satrasing Khorai @ Tipu stands rejected at this stage.

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The bail petition stands disposed of.

Send back the Case Diary along with a copy of this order to the Officer-in-Charge of Jagiroad Police Station.

A copy (free of cost) of this order shall also be furnished to the learned advocate for the accused petitioner under the signature of the Head Assistant/Bench Assistant for his record/information.

Sessions Judge
Morigaon, Assam