

BA No.1 of 2014

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri S Wahalang, Advocate, present for the applicant.

Shri ND Chullai, Senior GA, present for the State respondents.

By means of this application, the applicant Margret Kharsohnoh has sought bail of her son **Bankerlang Kharsohnoh** who is in jail in connection with Tura Women Police Station (WPS) Case No. 1(1) of 2014 which was initially registered relating to offences punishable under Section 354/34 IPC and later converted to Section 376 IPC and under Section 9/10 of Protection of Children from Sexual Offences Act, 2012 (POCSO).

Heard.

Learned counsel for the applicant submitted that the accused Bankerlang Kharsohnoh is a Sub-Inspector of Police. It is further submitted that on 28.12.2013 in discharge of his duties he along with other two police personnel intercepted an Auto Rickshaw on suspicion of insurgency activities. The complainant (victim) and her uncle Sengchon Marak was detained for sometime. It is further submitted that after four days the victim lodged First Information Report alleging that she was assaulted by the policemen. There is no allegation in the FIR relating to commission of rape. Her statement recorded under Section 164 CrPC also does not disclose commission of rape. It is contended that the accused Bankerlang Kharsohnoh has committed no offence.

Having perused the paper and record and after considering the rival submissions of the parties, without expressing any opinion as to the final merits of

the case, this Court is of the view that the accused Bankerlang Kharsohnoh deserves bail.

Therefore, the bail application is allowed. The aforesaid accused ***Bankerlang Kharsohnoh*** shall be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge, Tura.

CHIEF JUSTICE

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21.02.14