

GAHC010210252022



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

**Case No. : Bail Appln./2677/2022**

CHINMOY DEKA  
SON OF SRI HAREN DEKA,  
RESIDENT OF VILLAGE- PAKORKUNA,  
POLICE STATION- HAJO,  
DIST- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM  
REP. BY PP, ASSAM.

**Advocate for the Petitioner : MR. U K BARMAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**Date : 31.10.2022**

Heard Mr. U. K. Barman, learned counsel appearing for the accused petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Chinmoy Deka**, has prayed for grant of bail in connection with **Hajo P.S.** **Case No.834/2022** under Section **419** of the IPC r/w Section **8** of the POCSO

Act and r/w Sections **67A/67B** of the IT Act.

It is noticed that the accused petitioner has been in judicial custody since 04.09.2022, i.e. for 57 days.

The brief fact of the case is that the accused petitioner captured some personal photographs of informant's minor girl and threatened her to upload the same on social media.

Having heard the learned counsel of both sides and the nature of allegation made in the FIR and also the forwarding report, it appears that there is *prima facie* incriminating material against the accused petitioner subject, of course, to final outcome in investigation.

However, having considered the length of detention in judicial custody, this Court is of the considered opinion that further continuation of detention of the accused in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 20,000/-** with one surety of like amount to the satisfaction of the **learned Special Judge (POCSO Act), Kamrup (R)** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court; and

- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is suspected of commission.

This disposes of the bail application.

**JUDGE**

**Comparing Assistant**