

GAHC010033342019



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

Case : I.A.(Crl.)/192/2019

SHRI RANJIT DAS @ POTOL
S/O- SRI KEPEN DAS
R/O- DIGBOIMUKH GAON
P.S.- DULIAJAN
DIST.- DIBRUGARH
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE P.P.
ASSAM

2:TARUN DAS
S/O- LATE CHARITRA MOHAN DAS
R/O- DIGBOIMUKH GAON
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM

Advocate for : MR SISHIR DUTTA

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

24.02.2026

1. Heard Mr. S. Dutta, learned counsel for the applicant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the state and Ms. M. Chowdhury, learned counsel for respondent No. 2.
2. By this application filed under Section 389 of the Cr.P.C, the petitioner has prayed for suspension of sentence and releasing the applicant on bail. The applicant was convicted under Section 4 of the POSCO Act 2012 and was sentenced to undergo RI for a period of 10 years with fine and default stipulation vide judgment and order dated 17/12/2018, passed by the learned Sessions Judge Dibrugarh in POCSO Case No. 15 of 2017.
3. The prosecution case is that a six year minor girl went with her grandparent to attend a marriage ceremony and at about 10:30 PM on 11/5/2013 the said minor girl was made to sleep in the house of a neighbor and at about 12:30 AM on the same night when the victim was found crying, the grandfather ran to the spot and noticed the applicant getting down from the bed. It is the further case of the Prosecution that when the grandmother took the victim to urinate, blood was seen coming out from her private parts.
4. The police registered the case and on completion of the investigation submitted charge sheet against the applicant and thereafter, on completion of the trial the applicant was convicted and sentenced as mentioned above.
5. Mr. Dutta, learned counsel for the applicant submits that the

applicant has been inside the jail for more than 7 years out of the total incarceration period of 10 years. He further submits that the Hon'ble apex court in a number of decisions has held that staying half of the sentence in the jail would entitle a convict to be released on bail if otherwise his release is not found to be dangerous to the society.

6. Mr. B. Sharma, learned Additional Public Prosecutor for the state submits that the instant case is of a very serious nature inasmuch as six year old girl was subjected to sexual assault by the applicant and that the medical report also supports the case of the prosecution.

7. Ms. M. Chowdhury, learned counsel for the respondent No. 2 also submits that the offense under Section 4 of the POSCO Act is well established against the applicant. She further submits that the statement of the Prosecutrix is also found consistent before all the authorities and the medical report also substantiate the said.

8. On consideration of the submissions made by the parties, more so due to the fact that the applicant has been inside the jail for more than 7 years and specifically due to the findings of the Hon'ble apex court in a number of decisions that convicts languishing in custody for 5-6 years even in case of murder should be released on bail pending the appeal, this court finds it fit that the applicant having been inside for more than 7 years the sentence imposed upon the applicant be suspended and the applicant namely, Ranjit Das @ Potol be released on bail on furnishing of a bail bond Rs.20,000/- with one local surety of the like amount to the satisfaction of the learned Sessions Judge, Dibrugarh with the condition that he would appear before the local police station on or before 7th day

of every month during the pendency of the appeal.

9. Accordingly, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant