

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA (SH) No. 39 of 2013**

**26.04.13**

Heard Mr. TT Diengdoh, the learned senior counsel, who submits that in this instant case, till date the police could not or did not make any attempt to ascertain the age of the victim. The said plea was placed before the Learned Special Judge who rejected the plea to direct the police to ascertain the age of the victim by way of medical examination as well as bail application vide order dated 11.03.13.

I have perused the impugned order dated 11.03.13 and found that the Learned Court noted that the 'Court is supposed not to direct the investigating agency to move and investigate the case in a certain specified manner and rejected the bail application'.

Mr. R. Gurung, the learned Addl. PP submits that the offence is serious in nature, so bail may not be considered.

I have also perused the CD placed before me and on perusal of the CD, confusion arises as to whether it is a sexual assault or sexual intercourse out of mutual consent and love.

If it is so, determination of the age of the victim is necessary for the purpose of bail as well as trial. Therefore, I do not see any harm to direct the investigating agency to make all possible efforts to ascertain the age of the victim.

Hence, the Special Judge is directed to pass an order in the light of the above observation and to ascertain the age of the victim.

However, considering the CD and other materials on record, I am not inclined to consider bail application at this stage. Hence, bail application is hereby rejected.

Registry is directed to send down back LC Records and CD to the Court concerned and IO along with a copy of this order.

With these above observations and directions, this instant bail application stands disposed of.

JUDGE

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA (SH) No. 42 of 2013**

**26.04.13**

Heard Mr. MK Boro, the learned counsel for the petitioner.

Call for the Lower Court case record as well as CD.

Bail application will be considered after perusal of Lower Court case record and CD.

The prosecution is directed to ensure that Lower Court case record and CD should arrive on the next date fixed without fail.

List this matter on 03.05.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 41 of 2013**

**26.04.13**

Heard Mr. CH Mawlong, the learned counsel for the petitioner as well as Mr. ND Chullai, the learned PP.

Call for CD.

Considering the gravity of offence under section 3(a)/4 of the Protection of Children from Sexual Offence Act, 2012 r/w Section 376 IPC, I am not inclined to grant any interim relief at this stage. However, the matter to be taken up on 29.04.13.

IO concerned is directed to present in person along with CD in the next date fixed.

List this matter accordingly.

JUDGE

V. Lyndem.