

GAHC010041072023



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

Case No. : Bail Appln./690/2023

TANMOY DAS @ RAJ
S/O SRI TAPAN DAS
R/O H. NO. 64, GOPINATH NAGAR, BISHNUPUR, GUWAHATI-16,
DIST. KAMRUP (M).

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 28-02-2023

Heard Mr. A. Bhattacharjee, learned counsel for the petitioner as well as Mr. D.P. Goswami, learned APP for the State.

2. The petitioner, namely, Tanmoy Das @ Raj, who was arrested on 28.12.2022 in connection with All Women P.S. case no.92/2022 under sections

120(b)/343/371/376/506 IPC read with section 3 of Immoral Traffic (Prevention) Act, is seeking regular bail by filing this application under section 439 Cr.P.C.

3. The learned APP has opposed the prayer for bail on the ground that the petitioner is instrumental in engaging sexual activity in the parlour of his wife.

4. This is the 2nd bail application for the petitioner.

5. On perusal of the order dated 27.01.2023 passed in BA 14/2023, by which the prayer for bail was rejected, it appears that there are sufficient incriminating materials against the petitioner. Be that as it may, as the petitioner has already spent 62 days in custody, further custodial interrogation of the petitioner is not warranted.

6. Hence, the Court is inclined to release the petitioner, namely, Tanmoy Das @ Raj, on bail on furnishing bail bond of Rs.1.00 lakh with two solvent surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati. Out of two bailors, one should offer his/ her immovable property as security for grant of bail.

7. The bail is granted on the following conditions:

- a. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

- b. The 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
- c. The petitioner shall not obstruct the smooth progress of the investigation/trial.
- d. The petitioner shall not misuse his liberty in any manner.
- e. The petitioner shall once again appear before the IO once in 15(fifteen) days and he shall continue to appear once a month till his personal appearance is dispensed with or charge sheet is submitted, whichever is earlier.
- f. If the petitioner is found to be intimidating or making any attempt to meet the alleged victims, it would be open to the IO to move the jurisdictional Court for cancellation of bail.

8 The application stands disposed of.

JUDGE

Comparing Assistant