

GAHC010055302023



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

Case No. : Bail Appln./945/2023

DIPAK NATH @ DIPAK KR. NATH
S/O LT. RAM CHARAN NATH R/O VILL. SHOLPAM P.S. SIPAJHAR DIST.
DARRANG ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 15-03-2023

Heard Mr. D.Das, learned counsel for the petitioner namely Dipak nath @ Dipak Kumar Nath.

2. This is an application made under Section 439 Cr.P.C. seeking bail to the accused namely , Dipak nath @ Dipak Kumar Nath who was arrested on 16.2.2023 in connection with Sipajhar P.S. Case No. 87/2023 (GR 377/2023) registered u/s 448/376(1) 325/34 IPC. The petitioner is in jail since 17.2.2023.

3. The allegations against the petitioner is that he committed sexual assault

on the informant.

4. Heard Ms. S. H. Bora, learned Addl. P.P. for the State respondent.

5. I have considered the submissions at the Bar. It is submitted on behalf of the petitioner that an FIR has already been lodged by the petitioner's wife against the informant and her husband on the same day i.e 16.2.2023 on which date the petitioner has alleged to have committed sexual offence on the informant. It is also submitted on behalf of the petitioner that the informant had earlier lodged an FIR against another person namely Sri Bhupen Nath with the allegation of sexual assault. This is a second case where the informant has alleged of more persons having committed assault on her. The FIR lodged by petitioner's wife clearly reveals that the informant and her husband assaulted the petitioner's wife on the same date and this case has been falsely filed against the petitioner.

6. It is submitted by learned counsel for the petitioner that G.D.entry of the case lodged by the informant against another person u/s 376 IPC is 152 dtd 1.12.2022.

7. I have considered the submission made by the petitioner that he has been in jail since 17.2.2023 and the investigation of the case may have presumably progressed to a considerable extent. Also considered the submission that the petitioner is a local resident and he has not left his place and considering the materials available on record, this court is of the considered opinion that no further custodial interrogation is necessary for further investigation of the case.

8. Accordingly, the petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of Rs. 50,000/- with a suitable surety of the like amount to the satisfaction of **Elaka**

Magistrate on the following condition:

(i)The petitioner shall not leave the territorial jurisdiction of learned Magistrate, Darrang, Mangaldoi without prior written permission.

(ii)The petitioner shall not hamper with the investigation of the case and tamper with a the evidence of the case,

(ii)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 the court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant