

GAHC010075722023



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

Case No. : Bail Appln./1402/2023

KARAN MIRDHA
S/O- SRI MURULI MIRDHA, R/O- RAJMAI TEA ESTATE, STUFF LINE, P.O.
RAJMAI, P.S. DEMOW, DIST.- SIVASAGAR, ASSAM, PIN- 785672

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. B P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

25-05-2023

- 1.** Heard Mr. B P Borah, learned counsel for the petitioner and. Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.
- 2.** By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Karan Mirdha**, is seeking bail in connection with Sessions Case No. 123(s-s)/2022 arising out of Demow P.S. Case No. 61/2022 registered under Sections 376/323/506 IPC corresponding to

G.R. No. 437/2022.

3. The petitioner, namely, **Karan Mirdha**, is an FIR named accused in Demow P.S. Case No. 61/2022 registered under Sections 376/323/506 IPC corresponding to G.R. No. 437/2022.

4. The victim herself lodged the FIR of the case stating that earlier on 15.04.2022 she lodged an FIR which was not considered.

5. The 2nd FIR of the case was lodged on 01.06.2022, in which the petitioner was arrested on 02.06.2022 and he is in custody since then.

6. Charge-Sheet against the petitioner in the above mentioned case was filed on 29.06.2022 vide Charge-Sheet No. 67/2022 under Sections 376/506 IPC.

7. Presently, Sessions Case No. 123(s-s)/2022 arising out of said Demow P.S. Case No. 61/2022 corresponding to G.R. No. 437/2022 is pending before the Court of learned Additional Sessions Judge, First Track Court, Sivasagar, Assam, in which charges against the petitioner were framed on 17.08.2022 under Sections 376/323/506 IPC.

8. It is seen from the case records of said Sessions Case No. 123(s-s)/2022 that the evidence of the victim was recorded on 15.03.2023 and the defense cross-examined her. Prior to that, on 01.06.2022 statement of the victim was recorded under Section 164 Cr.P.C. and on 02.06.2022 medical examination of the victim was conducted at Sivasagar Civil Hospital, Sivasagar.

9. It is seen from the case records of said Sessions Case No. 123(s-s)/2022 that the evidence of 7 more prosecution witnesses are yet to be recorded, including the concerned Doctor who examined the victim as well as the Investigating Officer of the case.

10. Considering the gravity of the offences as alleged by the victim in her evidence and that 7 more prosecution witnesses are yet to be examined, the Court is not inclined to grant bail to the petitioner at this stage in said Sessions Case No. 123(s-s)/2022 arising out of Demow P.S. Case No. 61/2022 corresponding to G.R. No. 437/2022.

11. Accordingly, this bail application of the petitioner, named above, at this stage stands rejected.

12. Return the Case Diary.

13. Needless to say, the concerned Trial Court may record the evidence of the prosecution witnesses at a faster pace.

JUDGE

Comparing Assistant