

GAHC010088112023



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

Case No. : Bail Appln./1506/2023

SIDDHARTHA SEN
S/O LATE SAMANANDA SEN, R/O SILCHAR HOSPITAL ROAD, P.S.-SILCHAR
SADAR, PIN-788005, DIST-CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR K K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 22.05.2023

Heard Mr. K. K. Das, learned counsel appears for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, Siddhartha Sen seeking bail as he is arrested in connection

with Paltan Bazar P.S. Case No. 105/2023 registered under Sections 376 of IPC.

3. The petitioner was arrested on 09.03.2023 and have been in custody since then.

4. It is alleged that an FIR dated 08.03.2023 was lodged by the informant, one, Manisha Mili Das, who alleged that the petitioner was named as an accused, who had attempted to rape upon her by promising to pay money to the informant in the Sukumoni Hotel on 08.03.2023 at around 12 p.m.

5. The learned counsel for the petitioner submits that the allegations made in the FIR are false and he is not connected with any of the offences alleged.

6. This Court by earlier order called for the case dairy. Today when the matter is listed, the Case Diary be presented before the Court by the learned Addl. P.P. The Case Diary produced has been carefully perused.

7. From the case dairy, it is seen that the informant had refused medical examination and an endorsement to that effect stated to have been given by the informant herself, is available in the case dairy. The victim/informant had given her statement under Section 164 Cr.P.C. In the said statement she had implicated the petitioner, however, in the absence of any medical test undertaken by the informant, the allegations against the petitioner, *prima-facie* may not be substantiated.

8. Considering the progress of the investigation made and

the period of detention undergone by the petitioner, this Court is of the view that the prayer for bail made by the petitioner can be granted. Accordingly, this Bail petition is allowed. The petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.25,000/- (Rupees twenty five thousand) only with 1 (one) local surety of like amount subject to the satisfaction of the Chief Judicial Magistrate, Kamrup (M). The bail, granted however, is subjected to the following conditions:-

- i) The petitioner shall continue to appear before the Investigating Officer once a month and cooperate with the Investigating Officer as and when required, till completion of investigation.
- ii) The petitioner shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Kamrup (M).
- iii) That the petitioner shall not hamper or tamper with the investigation in any manner; and
- iv) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

9. If any of the conditions are found to be violated by the petitioner then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.
10. With the above direction, the bail petition is accordingly allowed and disposed of.
11. Return the case dairy.

JUDGE

Comparing Assistant