

GAHC010105922023



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

Case No. : Bail Appln./1757/2023

SONIA RAI
D/O GOPAL RAI
VILL- DANGAMORA GAON
P.O. MIRUAL
P.S. KARNAJORA RAIGANJ
DIST. NORTH DINASHPUR
WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 07.06.2023

Heard Ms. T. Som, learned counsel appearing for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional public Prosecutor appears for the State of Assam.

2. The bail application has been preferred by the petitioner, namely, Sonia Rai seeking bail in connection with Dispur P.S. Case No. 740/2023 registered under Section 366/511 of IPC. The petitioner was arrested on 30.04.2023 and since then she was in custody.

3. It is submitted by the learned counsel for the petitioner that an FIR dated 29.04.2023 was lodged by the informant, one Sri Narendra Nath Talukdar, wherein it was alleged that a unknown lady had come to the school to visit the minor daughter of the informant with intention to kidnapped her. However with the help of the school authorities the unknown lady was apprehended and handed over to the Police.

4. It is submitted by the learned counsel for the petitioner that the petitioner and the daughter of the informant came to know each other through social media. She had come from West Bengal and when she was in Guwahati she wanted to visit and meet the daughter of the informant. There was no intention of kidnapping.

5. This Court by earlier order dated 22.05.2023, had called for the case dairy. And Mr. B. B. Gogoi, learned Addl. P.P has produced the case diary before this Court as called for.

6. Upon perusal of the case diary, it is seen that the statement of the victim girl under Section 164 Cr.P.C does not implicate the petitioner in respect of the allegation that she had attempted to kidnap the victim girl. It was stated that they

had known each other through social media although the victim girl did not subsequently continue to respond to the petitioner in the social media.

7. Perusal of the case diary does not reveal any other incriminating materials which suggest that release of the petitioner at the stage of investigation will impede with the investigation. No other materials are also seen from the case dairy to suggest that further custodial detention is necessary for the petitioner in respect of the investigation carried on by the Police.

8. Upon hearing the learned counsels for the parties and upon due perusal of the case dairy and also taking into account 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 allowed.

9. Accordingly, petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.50,000/- (Rupees fifty thousand) only with one local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Kamrup (M). The bail, granted however, subject to the following conditions:-

- i) The petitioner shall continue to appear before the police and cooperate with the Investigating Officer as and when required, till completion of investigation.
- ii) The petitioner shall not change her

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.

10. 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.

11. With the above direction, the bail petition is accordingly allowed and disposed of.

12. Return the Case Dairy.

JUDGE

Comparing Assistant