

GAHC010119252023



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

Case No. : Bail Appln./1940/2023

RIDIP SARMA
S/O ATUL SARMA
R/O VILL- SAHAN (BONGAON)
P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20-06-2023

Heard Mr. S Munir, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 439 CrPC, the petitioner, namely, **Sri. Ridip Sarma** is seeking bail in **Sipajhar P.S. Case No.212/2023** registered under Sections 366/376/313/34 IPC, wherein, he was arrested on 19.05.2023 and since then, he is in

custody.

3. As per the FIR of the case, the accused petitioner on 25.02.2023 forcefully took away the daughter of the petitioner, a minor allegedly of 17 years, kept her in his house for three days and allegedly committed rape on her. Later, the parents of the petitioner taking her in a bike dropped her in the house of the complainant. The informant also stated that on 03.05.2023, the petitioner again forcefully took away her minor daughter to his house and kept her there for the night, committed rape on her and on 04.05.2023 the accused petitioner took his minor daughter to Gauhati Medical College and Hospital with his mother and admitted her in a private hospital in the evening, introducing her to be his wife and thereafter, in a private hospital she was aborted and on 05.05.2023, in the evening the petitioner sent her back to her house from Baihata Chariali and the complainant, father of the victim took her back to home.

4. In the FIR it is also stated that the relevant medical documents of the victim were kept by the accused petitioner.

5. We have seen that the petitioner was taken into custody on 19.05.2023 and the forwarding report reveals that he was of 19 years of age.

6. Case Diary also reveals that both, the petitioner and the victim had a love affair.

7. Perused the statement of the victim recorded under Section 164 CrPC by the learned Judicial Magistrate First Class, Mangaldoi on 15.05.2023.

8. Considering the materials in the case diary and the period of detention of the petitioner in custody since 19.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said **Sipajhar P.S. Case No.212/2023**. As such, this bail application of the petitioner is accepted.

9. Accordingly, the petitioner, namely, **Sri. Ridip Sarma**, be released on bail in said **Sipajhar P.S. Case No.212/2023**, on furnishing a bail bond of Rs.50,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldoi on conditions that the petitioner shall – (i) appear before the Investigating Officer of said **Sipajhar P.S. Case No.212/2023**, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Sipajhar

Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case, **(iv)** not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid **Sipajhar P.S. Case No.212/2023** shall stand automatically vacated.

10. Return the case diary herewith.

11. Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant