

GAHC010119392023



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

Case No. : Bail Appln./1926/2023

SONMONI KAKOTI
S/O- LATE HARMOHAN KAKOTI, R/O- MAJIRGAON, SAHAR
THAKURIYAPARA, P.S. AZARA, DIST.- KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. R BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19-06-2023

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

By this application under Section 439 CrPC, the petitioner, namely, **Sri Sonmoni Kakoti** is seeking bail in **Azara P.S. Case No.82/2023** registered under Sections 420/376/493/506 IPC, corresponding to G.R. No.3052/2023 wherein, he was arrested on

03.05.2023 and since then, he is in custody.

The complainant on 01.05.2023 lodged a written Ejahar before the Officer-in-charge of Azara Police Station alleging that she is working in Flipcart Logistics as a private employee and is in a relationship with the petitioner and their marriage was also fixed. Taking the advantage of the same, the petitioner took huge amount of money from her and had physical relationship with the informant and she is now pregnant of about 2 months. On being informed, she has been threatened and physically assaulted.

Since the date of knowledge of her pregnancy, the petitioner left her and ran away from her without returning the money that he took from the informant and thereby committed fraud. Accordingly, Azara P.S. Case No.82/2023 under Section 420/376/493/506 IPC was registered.

Perused the case diary produced before the Court today, by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

Mr. Goswami, learned Additional PP, Assam from the case diary submitted that though the complainant was medically examined, but her medical report is not available in the case diary.

Case diary discloses that the complainant stated before police that she had an affair with the petitioner and their marriage was also fixed and the petitioner took huge amount of money from her. It is also stated by her that taking the advantage of their marriage being fixed, the petitioner had physical relationship with her and he had also mentally and physically tortured her.

Considering the materials in the case diary and the period of detention of the petitioner in custody since 03.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said **Azara P.S. Case No.82/2023**. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Sri Sonmoni Kakoti**, be released on bail in said **Azara P.S. Case No.82/2023**, on furnishing a bail bond of Rs.1,00,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on conditions that the petitioner shall – **(i)** appear before the

Investigating Officer of said **Azara P.S. Case No.82/2023**, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Azara 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 **Azara P.S. Case No.82/2023** shall stand automatically vacated.

Further, the petitioner, by himself or by his agent etc., is also directed not torture the informant/victim mentally or physically, as alleged, failing which the bail granted to him in said Azara P.S. Case No. 82/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant