

GAHC010132182023



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

Case No. : Bail Appln./2100/2023

SUDIP SAHA
S/O- LATE SUNIL SAHA
VILLAGE- BITHOR BAZAR,
P.O. AND P.S.- PATHARKANDI,
DISTRICT- KARIMGANJ, PIN- 788724.

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. D HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-06-2023

Heard Mr. T.J.Mahanta, learned Senior counsel assisted by Mr. D. Hussain, learned counsel for the petitioner and Mr.M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Sudip Saha**, is seeking bail in connection with Paltanbazar Police Station Case No. 211/2023 registered under Section 376 IPC, corresponding to G.R. Case No. 3565/2023 in which he was arrested on 31.05.2023 and since then he is in custody.

As per the FIR of the case dated 20.05.2023, the complainant had a love affair with the petitioner since last 4 years and their marriage was fixed on 26.01.2023 but the petitioner cancelled their marriage at the last moment for which the complainant and her family members sustained loss as they had already prepared for marriage. After two months of cancellation of their marriage, again the petitioner and the complainant continued their relationship and both of them came to Guwahati in the mid of May and lived together in a hotel at Paltanbazar for 3 to 4 days during which they had physical relationship but the petitioner left the complainant and did not marry her.

Perused the case diary and the statements of the victim as well as the petitioner recorded under Section 161 CrPC by police. From the case diary, it is seen that the victim is a major.

Considering the above and the materials available in the case dairy, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Paltanbazar P.S. Case No. 211/2023. As such, this bail application of the petitioner, named above, is accepted.

Accordingly, the petitioner, namely, **Sudip Saha**, be released on bail in said Paltanbazar P.S. Case No. 211/2023 on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on conditions that the petitioner shall- (i) appear before the concerned Investigating Officer of said Paltanbazar P.S. Case No. 211/2023 as and when he is required for necessary investigation of the case; (ii) not indulge in any offence or criminal activities while remaining on bail; (iii) not leave the territorial jurisdiction of said Paltanbazar Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) not, directly or indirectly, make any inducement, threat to the complainant or anyone of her family members or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in said Paltanbazar P.S. Case No. 211/2023 shall stand automatically vacated.

This bail application of the petitioner stands allowed to the extent above.

Return the case diary

JUDGE

Comparing Assistant