

GAHC010135652023



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

Case No. : Bail Appln./2156/2023

PAPPU MAZUMDAR
SO ANATH BANDHU MAZUMDAR
R/O VILL- AZARBARI
P.S. LANKA
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-06-2023

Heard Mr. H.R.A.Choudhury, learned Senior counsel assisted by Mr. I.U. Chowdhury, learned counsel for the petitioner and Mr. D.Das, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Pappu Mazumdar** is seeking bail in connection with Lanka Police Station Case No. 319/2023 registered under Sections 120(B)/376/315 IPC, corresponding to G.R.Case No. 1143/2023 in which he was arrested on 13.06.2023 and since then he is in custody.

As per the FIR of the case dated 07.06.2023, the complainant had a love affair with the petitioner through Facebook since September, 2022 and had physical relationship with him. Both of them were matured, above 23 years old.

During such physical relationship, the complainant became pregnant and she was aborted at the Diphu Medical College & Hospital on 04.06.2023 and after abortion, she was discharged from the said Hospital on 06.06.2023.

It is alleged by the complainant that the petitioner promised that he will marry her and take her to Jorhat. It is also alleged by the complainant that on their way to Jorhat from Diphu, the petitioner left her at Dimapur Railway Station and accordingly, she lodged the said FIR.

Perused the case diary and the statement of the complainant/victim recorded under Section 164 CrPC by the learned Judicial Magistrate 1st Class, Sankardevnagar, Hojai on 09.05.2023.

Considering the fact that the victim had physical relationship with the petitioner willingly as they had love affair between them as well as that the petitioner is an MBBS student and the period of detention of the petitioner in custody since 13.06.2023, the Court is of the view that that further custodial detention of the petitioner is not warranted to investigate said Lanka P. S. Case No. 319/2023. As such, this bail application of the petitioner, named above, is accepted.

Accordingly, the petitioner, namely, **Pappu Mazumdar**, be released on bail in said Lanka P. S. Case No. 319/2023 on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, one of which has to be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, Sankardevnagar, Hojai, on conditions that the petitioner shall- (i) appear before the concerned Investigating Officer of said Lanka P. S. Case No. 319/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Lanka P. S. Case No. 319/2023, 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 and (iv) not, directly or indirectly, make any

inducement, threat to anyone of the family members of the complainant 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.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Lanka P. S. Case No. 319/2023 shall stand automatically vacated.

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

Return the case diary.

JUDGE

Comparing Assistant