

GAHC010143442023



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

Case No. : Bail Appln./2310/2023

DIPOK DAS @ DIPAK DAS
S/O SRI DAYAL HARI DAS @ DAYAL DAS
R/O KALBARI, UTTAR BARBIL
P.O.HOWRAGHAT
P.S. HOWRAGHAT
DIST. KARBI ANGLONG, ASSAM
PIN NO. 782481

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K MURRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 04.07.2023

Heard Mr. N. K. Murry, learned counsel appearing for the
petitioner. Also heard Mr. D. P. Goswami, learned Additional
Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, namely, Sri Dipok Das @ Dipak Das seeking bail in connection with Howraghat P.S. Case No. 21/2023 registered under Section 366 of IPC (G.R. Case No. 170/2023). The petitioner was arrested on 07.05.2023 and since then he has been in custody.

3. It is submitted by the learned counsel for the petitioner that an FIR dated 06.05.2023 was lodged by the informant, one Dilip Malik, who is the gaonburah for the village concerned. In the said FIR it is alleged that a resident of his village one Sri Utpal Mazumdar's daughter, who is aged about 14 years had eloped with some person. Subsequently, the informant received information that the petitioner had taken away the daughter of the said person. Being the gaonburah and considering the fact that the girl is a minor and have not attained majority the FIR was lodged before the concerned Police Station. Upon initiation of the investigation by the Investigating Officer, the petitioner was arrested on 07.05.2023 and he has been in custody since then. Upon investigation the charge sheet in the matter has been filed vide charge sheet No. 21/2023 dated 29.05.2023 in PRC Case No. 80/2023 in the Court of Additional Chief Judicial Magistrate, Diphu, Karbi Anglong, Assam.

4. This Court by earlier order dated 28.06.2023, had called for the scanned copy of the LCR in respect of PRC Case No. 80/2023. The scanned copy as called for has been received.

5. From the scanned copy of the LCR it is seen that the victim girl in her statement recorded under Seciton 164 Cr.P.C did not implicate the petitioner of the allegations made in the FIR. Rather she stated that she was constantly physically assaulted by her mother and her elder brother and out of frustration she had called the petitioner and requested him to take her away. These facts are also reflected in the report given by the Councilor, which is a part of scanned copy of the LCR called for by this Court.

6. Learned counsel for the petitioner as well as the learned Additional Public Prosecutor have been heard.

7. Upon hearing the learned counsels for the parties and upon due perusal of the LCR as called for, this Court is of the view that the prayer for grant of bail can be allowed. No materials are seen from the case diary which incriminates the petitioner at this stage. No materials are available which suggest that grant of bail to the petitioner at this stage will be detrimental to the trial.

8. Accordingly, petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one local surety of like amount to the satisfaction of the competent Court. The bail, granted however, subject to the following conditions:-

- i) The petitioner shall continue to appear before the Court on each and every date unless exempted by the Competent Court.

ii) The petitioner shall not change his residence or place of business, without prior written permission from the competent Court.

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.

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

JUDGE

Comparing Assistant