

GAHC010158042023



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

Case No. : Bail Appln./2564/2023

SANJOY BANIK
S/O SRI SANKAR BANIK
R/O HOUSE NO. 717, BAMUNIMAIDAM, KUSHAL NAGAR, P.S.
CHANDMARI, GUWAHATI, DIST. KAMRUP (M), ASSAM, PIN-781021

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : S IAKAND

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

11.08.2023

Heard Mr. R. Deka, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the State of Assam.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sanjoy Banik, who has been

detained behind the bars since 06.07.2022 in connection with Noonmati Case No. 199/2023 under section 376/313 of the Indian Penal Code.

The accusation in this case is that on 04.07.2023, one Hajira Begum lodged an FIR before the Officer-In-Charge of Noonmati P.S. *inter alia* alleging that her daughter was having a love affair with the present petitioner and on that pretext they had physical relationship, as a result of which her daughter became pregnant. However, later on, the behaviour of the petitioner became changed completely towards the present petitioner and he asked the daughter of the informant to abort the pregnancy and as a result of which the pregnancy of the daughter of the first informant was aborted.

On receipt of the said FIR, Noonmati Case No. 199/2023 was registered.

Learned counsel for the petitioner submits that the petitioner was having a love affairs with the victim girl and he intended to marry her also. However, later on, some dispute arose between them and he refused to marry her as a result of which the instant FIR has been lodged falsely against him.

On the other hand, learned Additional Public Prosecutor submits that there are incriminating materials against the present petitioner in the case diary. However, he also fairly submits that the investigation has been fairly progressed and the statements of the victim as well as other witnesses have been recorded by the Investigating Officer.

Considering the submissions of the learned counsel for the parties as well as considering the fact that the present petitioner has been detained behind the bars since last 36 days and the investigation has fairly progressed, this Court is of the considered view that further custodial detention of the present petitioner

may not be necessary, if he co-operates in the investigation of Noonmati Case No. 199/2023.

In view of the above, the petitioner, namely, Sanjoy Banik, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with a condition that he shall not directly or indirectly make any inducement, threat or promise to the victim or to any person who is acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Investigation Officer or to any Court;

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant