

GAHC010164042022



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

Case No. : I.A.(CrI.)/455/2022

MANASH CHAKRABORTY
S/O- SHRI MOHIT RANJAN CHAKRABORTY @ MOHIT RN. CHAKRABORTY,
VILL. AND P.O. MADAN MOHAN, P.S. AND DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:BIPASHA DUTTA
D/O- BIMAL DUTTA
VILL. AND P.O. MADAN MOHAN
P.S. KARIMGANJ
DIST. KARIMGANJ
ASSAM
PIN- 788152

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.A./195/2022

MANASH CHAKRABORTY
S/O- SHRI MOHIT RANJAN CHAKRABORTY @ MOHIT RN. CHAKRABORTY
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Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03/02/2023

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. A. Ahmed, learned counsel for the applicant. Also heard Mr. K.K. Das, learned APP, Assam, appearing for the State. Heard Mr. G. Uddin, learned counsel for the informant. I have also gone through the objection filed by the State.

The petitioner was convicted under section 376 of the Indian Penal Code in Sessions case No. 61/2014 arising out Karimganj PS case No. 242/2013. He was sentenced to undergo rigorous imprisonment for 10 (ten) years with fine stipulation.

The allegation against the applicant/appellant is that he has committed rape upon a girl, who was more than 18 years of age. The girl has stated in her evidence that on 10/04/2013 at about 7-30 a.m. while she was going to the market, the appellant forcibly taken her to a deserted place and committed rape upon her. Thereafter, she returned home and informed her parents and they had talks

with the family members of the appellant. The family members of the appellant even agreed for a marriage between the appellant and the girl. In this way, several months have passed by. Finally, on 22/10/2013, the girl was given in marriage to somebody else. Thereafter, the father of the appellant went to her new matrimonial house and informed her new husband that the girl was already married to the appellant. After hearing the news, the husband of the girl refused to accept her. Finally, she had to leave her matrimonial home. Thereafter, the FIR was lodged.

Considering the evidence of the victim girl, this Court has decided that at this stage, the bail application of the applicant/appellant deserves to be allowed.

Accordingly, the appellant *Sri Manash Chakraborty* is allowed to go on bail on furnishing a bond of Rs. 25,000/- (Rupees twenty five thousand) with one local surety of like amount to the satisfaction of the Additional Sessions Judge, Karimganj.

With the aforesaid direction, the IA stands disposed of.

JUDGE

sukhamay

Comparing Assistant