

GAHC010210392023



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

**Case No. : AB/3216/2023**

DHARMESWAR ROY  
S/O JAGAT DIPAN ROY  
R/O GANAPATI ENCLAVE,  
FLAT NO. J3, 3RD FLOOR, DPI BUS STAND, KAHILIPARA,  
P.S. DISPUR, P.O. KAHILIPARA,  
DIST. KAMRUP (METRO), ASSAM  
PIN CODE- 781019

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. Y S MANNAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY**  
**O R D E R**

**22.09.2023**

This is second bail application filed under Section 438 Cr.P.C. praying for pre-arrest bail in connection with Basistha Police Station case No. 265/2023 corresponding to GR No. 3464/2023 under Sections 406/427/419/420/493/376/313 IPC.

This court under its order dated 29.08.2023 rejected the prayer of anticipatory bail relying on the statement of the victim girl.

Mr. Mannan, learned counsel for the petitioner submits that though the victim has implicated the petitioner in fact the entire story is not absolutely believable inasmuch as though the victim has alleged that the petitioner has extracted money from her, rather it is the petitioner, who has paid huge sum of money on different dates to the victim, which fact was not brought on record in the earlier petition. Accordingly, he has annexed the bank statement as annexure 1 and highlighted the money transferred by him to the account of the victim.

Mr. Mannan further contends that the petitioner has also filed a complaint being CR No. 94/2023 on 04.03.2023 under Section 200 of the Cr.P.C., which is pending before the learned JMFC, Kamrup (M).

According to Mr. Mannan perusal of the said petition clearly shows that the cousin of the victim has in fact introduced the victim to the petitioner and made a proposal for marriage and they continued a relation and without doubting anything the petitioner had paid huge money, costly gifts including I-phone. Accordingly, he submits that the victim is not at all trustworthy.

This court issued notice on 19.09.2023.

Accordingly, case diary has been produced.

The case diary reveals that the investigating authority has also seized bill of resort which shows that both the petitioner and the victim stayed a day inside the room in the said resort and the victim in her statement alleged that in the said place and date the alleged offence was committed. It is seen from the material available on case diary including statement of some witnesses that the accused is already a married man. Therefore, the promise to marry the girl itself reflects that his intention was not genuine. Accordingly, this court is of the view that payment of money to the victim girl cannot be a new ground to grant bail to the petitioner. Accordingly, same is

rejected.

While parting with the record this court makes it clear that the observation made in the present order is for the purpose of consideration of the present bail application only and such observation should not be treated as comment on the merit of the allegation.

Return back the case diary.

**JUDGE**

**Comparing Assistant**