

GAHC010216322023



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

Case No. : Bail Appln./3395/2023

UJJAL BORDOLOI
S/O LATE UTTAM BORDOLOI
R/O HOUSE O. 7, SURVARNA ENCLAVE, FLAT NO. 4A, 4TH FLOOR,
KARNACHAL PATH, GUWAHATI, P.S. CHANDMARI
DIST. KAMRUP (M), ASSAM
PIN-781003

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 29.09.2023

Heard Mr. M. Dutta, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Ujjal Bordoloi* who has been

detained behind the bar since 17.09.2023 (since last 13 days) in connection with All Women P.S. Case No. 50/2023 under Sections 498A/307/323 of IPC.

The gist of accusation in this case is that on 16.09.2023, the victim Smt. Meenakshi Talukdar who is the wife of the present petitioner, lodged an FIR before the Officer-In-Charge of All Women Police Station, *inter alia*, alleging that the petitioner used to subject her to cruelty and on 15.09.2023 at about 8.30 AM, the petitioner tried to have forceful sex with the informant and when she resisted she was physically assaulted by the present petitioner causing injuries on her.

The learned counsel for the petitioner has submitted that the allegations made in the FIR are not true and in fact he is having matrimonial discord with his wife as a result which this false FIR has been lodged.

On the other hand, learned Additional Public Prosecutor has produced the case diary All Women P.S. Case No. 50/2023 and has submitted that, from the injury report which is available in the case diary, it appears that the injuries sustained by the victim are simple in nature. It is also submitted that the investigation has otherwise fairly progressed.

Considering the submissions made by learned counsel for the parties as well as material available on record, this Court is of considered opinion that custodial detention may not be necessary for fair completion of the investigation of this case, if some conditions are imposed on the present petitioner while granting bail to him.

In view of the above, the present petitioner, namely, *Ujjal Bordoloi* is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate,

Kamrup(M), subject to the condition that:-

1. That the petitioner shall appear before the Investigating Officer of All Women P.S. Case No. 50/2023 once in a week for next four weeks or till the investigation is finished, whichever is earlier;
2. That the petitioner shall not directly or indirectly make any inducement, threat or promise to his wife or to any person who may be acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Investigating Officer;
1. That the petitioner shall cooperate in the Investigating Officer.

Violation of any of the above condition would be a good ground for cancellation of bail granted to the petitioner.

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

Send back the case diary.

JUDGE

Comparing Assistant