

GAHC010222442023



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

Case No. : Bail Appln./3794/2023

RAHUL BARMAN
S/O SANJAY BARMAN
R/O LECHIA NAGAR,
SIV MANDIR PATH, PATARKUCHI
P.S. BASISTHA
DIST. KAMRUP (M), ASSAM
(REPRESENTED BY -
JIKI BARMAN, AGED ABOUT 28 YEARS,
S/O SANJAY BARMAN
R/O LECHIA NAGAR
SIV MANDIR PATH, PATARKUCHI
P.S. BASISTHA
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS M SAHOO

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 17.11.2023

Heard Mr. Unush Khan, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State of Assam.

This application under section 439 of the Code of Criminal Procedure 1973, has been filed by the petitioner, namely, Rahul Barman, who has been detained behind the bar since 28.07.2023 (since last 112 days), in connection with Sessions Case No. 188/2023 under section 366 of the IPC corresponding to Hatigaon P. S. Case No. 250/2023 pending before the Court of learned Additional Sessions Judge, No.4, Kamrup (M), Guwahati.

Learned counsel for the petitioner submits that the petitioner was arrested on 28.07.2023 in connection with Hatigaon P. S. Case No. 250/2023, which was registered on the basis of an FIR lodged by one Smt Lalita Kalita on 28.07.2023 before the officer-in-charge of Hatigaon inter-alia alleging that her sister-in-law's niece was abducted by the present petitioner.

After completion of the investigation charge-sheet has been laid against the present petitioner under section 366 of the IPC.

Learned counsel for the petitioner has also submitted that though the case has been committed to the Court of learned Additional Sessions Judge to the Sessions Court on 28.07.2023. and several duties have lapsed since then and the charges against the present petitioner has been framed, however, no witnesses have yet examined.

Learned counsel for the petitioner has submitted that the petitioner is a permanent resident of Patarkuchi under Basistha Police Station within the jurisdiction of the trial Court and it is submitted that the petitioner would face the trial, if he is allowed to go on bail.

I have perused the scanned copy of the case record of Sessions Case No. 188/2023 and have also perused the statement of victim girl and Section 161 of the Code of Criminal Procedure, 1973.

It appears from the statement of the victim girl that though she was minor at the time of when alleged offence was committed she had love affairs with the present petitioner and had her accompanied the present petitioner.

Be that as it may as the trial is pending and the petitioner has been detained behind the bar since last 112 days and is willing to face trial, this Court finds no justification in keeping the present petitioner under detention in allowing the present petitioner to remain under detention during pendency of the trial, if he otherwise co-operates in the trial.

In view of the above, the petitioner, namely, Rahul Barman. is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Additional Sessions Judge, No.4, Kamrup (M), Guwahati with the following conditions that:

i. That the petitioner shall regularly appear before the learned trial court regularly as and when required by learned trial court and shall co-operate in the trial.

ii. That the petitioner shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case to the trial court.

With the above information, this instant bail application is accordingly disposed of.

JUDGE

Comparing Assistant