

GAHC010267852022



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

**Case No. : Bail Appln./3649/2022**

MRIGANKA RAJKHOWA  
S/O- SRI MILAN RAJKHOWA, R/O- VILL- MAJORATI, TETELIHORAGAON,  
P.S. KAMPUR, DIST.- NAGAON, ASSAM, PIN- 782426

VERSUS

THE STATE OF ASSAM  
REP. BY P.P., ASSAM

**Advocate for the Petitioner : MR. T DEURI**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**06-01-2023**

Heard Mr. T. Deuri, learned counsel for the accused. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State Respondent.

This application under Section 439 Cr.P.C. is filed by the accused, namely, **Mriganka Rajkhowa**, who has been languishing in jail hazot in connection with **Boithalangso Police Station Case No.72/2022**, under **Sections 365/328/419/372/376(3)/376 DA of the Indian Penal Code**, read with **Section 5(g)/6 of the Protection of Children from Sexual Offences Act, 2012**, since 18.12.2022, for grant of bail.

The said case has been registered on the basis of an FIR lodged by one Seng Teron on 23.09.2022. The allegation levelled in the said FIR is that on 20<sup>th</sup> September, 2022, Sri Rupsing Engti, Kartang Tisso, along with one unknown person kidnapped his daughter and gave alcohol to her and thereafter committed rape on her and thereafter, she was taken to one Hotel and kept for one night at Kampur by one Katang Tisso and there also he committed rape upon her, on the next day he dropped her near Baithalangso Petrol Pump.

The learned counsel for the accused submits that the accused is behind the bar for last 28 days and he is not entangled with the offences alleged in the FIR and the only role played by the accused is that he being the Manager of the Hotel, allowed the accused and the victim girl to stay in the Hotel, having being identified by themselves as husband and wife, and on bonafide belief of their version. The learned counsel further submits that the accused is ready to cooperate with the investigating agency and, therefore, it is contended to allow the petition.

Whereas, producing the case diary, Mr. B.B. Gogoi, learned Additional Public Prosecutor submits that the accused is not connected with the main offence alleged in the FIR and he is the Manager of the Hotel and he had only allowed the victim and the accused to stay in the Hotel on being identified themselves as husband and wife. Mr. Gogoi further submits that the main accused persons, who committed rape, have been already arrested.

Having heard the submissions of learned counsel for both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Additional Public Prosecutor.

In view of the materials collected so far in the case diary as well as the submissions made by the learned counsel for both sides, and also considering the

role played by the accused, and further considering the period of his detention, this Court is of the view that his further custodial detention seems to be not warranted in this case. And, accordingly, it is provided that on his furnishing a bail bond of **Rs.25,000/-** with **one surety** of the like amount to the satisfaction of the learned Special Judge under the POCSO Act, Hamren, West Karbi Anglong, the accused be enlarged on bail.

The bail application stands disposed of accordingly.

Case diary be returned.

**JUDGE**

**Comparing Assistant**