

GAHC010023902024



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

Case No. : AB/297/2024

SOMBARU RAY
R/O VILL- DARCHUKA PART-I,
P.S. GAURIPUR
DIST. DHUBRI, ASSAM
PIN-783331

VERSUS

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

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

05.03.2024

Heard Mr. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. P.P, Assam.

This is 2nd application under Section 438 of Cr.PC, 1973 seeking to grant

pre-arrest bail to the petitioner, namely Sh. Sombaru Ray, who is apprehending arrest in connection with Gauripur P.S Case No. 464/2023 registered under Section 376 of IPC.

The anticipatory bail application of the petitioner was earlier rejected by this Court by Order dated 22.01.2024.

Mr. K.K. Das, learned Addl. P.P submits that the medical report, which is available in the Case Diary now, does not indicate recent sexual intercourse and no injury detected in the private parts.

I have heard the submissions made at the bar and have perused the materials available on record.s

It appears that the medical examination of the victim was done on 24.11.2023, i.e, after about 2 months from the date of the incident. Hence, non disclosure of recent sexual intercourse and/or injury in the private parts of the victim during medical examination is of no relevance.

Be that as it may, there is no change in circumstances.

As such, the application for anticipatory bail stands rejected.

The 2nd anticipatory bail application is accordingly disposed of.

JUDGE

Comparing Assistant