

GAHC010048012024



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

Case No. : Bail Appln./664/2024

MRIDUSH NATH
S/O LATE NARESWAR NATH,
RESIDENT OF VILLAGE MARIPUR ANANDAPUR, PS PATACHARKUCHI,
DIST BAJALI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12.03.2024

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

This is an application under Section 439 of the Cr.PC, 1973 for granting

regular bail to the petitioner, i.e., Mridush Nath, who was arrested on 23.02.2024 in connection with Patacharkuchi P.S. Case No. 441/2023 registered under Sections 420/376/506/34 of IPC.

The case of the prosecution is that on 27.12.2023, the informant lodged an FIR before the jurisdictional Officer-in-charge alleging inter alia that the informant victim has been physically and mentally assaulted alongwith the sister of the petitioner. It is further alleged that she had been cheated in the name of marriage promise by the said accused person. It is further alleged that the informant had been raped several times by the accused petitioner on marriage promise but when the informant got pregnant, she was forced to undergo abortion by the accused petitioner. It is further alleged that when the informant refused for abortion, the accused petitioner threatened to kill her and hence, a case was filed.

Mr. B.K. Mahajan, learned counsel for the petitioner submits that the accused petitioner and the informant victim were in a love relationship since 15.03.2021 and after about 2 years, an FIR has been lodged.

Mr. D. Das, learned Addl. P.P on the other hand strongly opposes the prayer for bail. He further submits that in the meantime, Charge-sheet has been filed vide C.S No. 36/2024 on 29.02.2024.

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

Since the Charge-sheet had already been submitted, after completion of investigation, there is no scope of hampering investigation or tempering with

the witnesses.

Considering the above, this Court is of the considered view that further detention of the petitioner may not be required. Accordingly, it is provided that the petitioner named above is allowed to go on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned CJM, Bajali Pathsala subject to the following conditions:-

- (i) that the petitioner shall appear before the Trial Court on all dates fixed from time to time.
- (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 him from disclosing such facts to the Court or to any Police Office.

With the above observation and direction, the Bail Application stands disposed of.

WT Message dated 10.03.2024 is kept on record.

JUDGE

Comparing Assistant