

GAHC010051322024



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

Case No. : Bail Appln./711/2024

ARUP KR DUTTA
S/O LATE DRONA KANTA DUTTA
RESIDENT OF WARD NO. 2, NAKARI, PS NORTH LAKHIMPUR, DIST.
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

22.03.2024

1. Heard Mr. B. Mahajan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P. for the State respondent.

2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, namely, **Arup Kr. Dutta**, who was arrested on 24.02.2024 in connection with **North Lakhipur P.S. Case No. 43/2024**, (corresponding to GR Case No. 131/2024) registered under Sections **354/376/511 IPC** arising out of FIR lodged on 24.02.2024.

3. The case of the prosecution in brief is that on 23.02.2024, an FIR was lodged alleging inter-alia that when the informant's daughter went to the "Avanish Private Hospital" to submit her "Bio Data", the petitioner misbehaved with her at his chamber and tried to rape her by holding her.

4. Mr. B. Mahajan, learned counsel for the petitioner submits that ingredients of Section-376 of IPC is not made out on the face of the allegations made in the FIR. He further submits that the petitioner is totally innocent and has been falsely implicated for the offence alleged.

5. Mr. D. Das, learned Addl. P.P. for the State respondents submits that the investigation has substantially progressed. He further submits that the victim statement has been recorded under Section 164 Cr.P.C. He further submits that from the statements of the victim, no allegation constituting an offence under Section 376 IPC is made out.

6. I heard the submission made at the Bar and I have perused the materials available on record.

7. It appears that the investigation has substantially progressed. It further appears from the materials available on the case diary that the statements of the witnesses including the victim have already been recorded. It further appears that the victim statement has also been recorded under Section 164 Cr.P.C.

8. A perusal of the aforesaid statement indicates that no allegations of the ingredients of Section-376 IPC is attracted. It further appears that the petitioner has been interrogated and his statement has also been recorded under Section 161 Cr.P.C i.e. on 24.02.2024. It further appears from the medical report which is available in the case diary that there are no signs of recent sexual intercourse and there has also been no injury detected in the private parts of the victim. As such, further detention of the petitioner is perhaps is not required for the ongoing investigation.

9. Considering the facts and circumstances of the case, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand) only** with one surety of like amount to the satisfaction of the learned **CJM, North Lakhimpur, at Lakhimpur.**

10. The bail granted to the petitioner shall be subject to the following conditions-

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

11. With the above observation, this bail application stands allowed.

12. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant