

GAHC010065162024



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

Case No. : Bail Appln./941/2024

RAJIB SARKAR
S/O NILMONI SARKAR @ HAJARI
R/O RAJABARI
P.S. KACHUGAON
DIST. KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

26.04.2024

Heard Mr. A. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State of Assam.

This is an application made under Section 439 Cr. P.C. seeking bail by the

accused/petitioner, namely, **Rajib Sarkar**, who was arrested on 09.02.2024 in connection with Bongaigaon P.S. Case No. 553/2023 registered under Section 354-C/354-D/376(2)(n)/506 of IPC.

After completion of the investigation, the investigating authority had already submitted the charge-sheet.

This Court under its order dated 08.04.2024 called for the scanned copies of the record along with the case diary. Perused the same.

The materials available on record suggest that the victim is a major and had a consensual relation with the accused. Some of the witnesses further suggest that the victim was already a married lady with two children. The statement recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. are also suggestive of having contradiction

Considering the matter in entirety, this Court is of the view that the accused/petitioner is entitled for the bail as prayed for.

Accordingly, it is directed that the petitioner, named above, be released on bail in connection with the case aforementioned, on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, with the following conditions.

- (a) Shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Bongaigaon without prior written permission from him/her;
- (b) Shall not hamper with the investigation of the case and tamper with the evidence of the case;
- (c) 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.

- (d) Shall not go near the residence of the victim and contact with the victim through any means including social media.

In terms of the above, this bail application stands disposed of.

While parting with the record, it is made clear that the observation made in this order is for the purpose and for consideration of the prayer for bail only and shall not be treated as any comment on merit either of the case of the prosecution or the defence case.

JUDGE

Comparing Assistant