

GAHC010069662024



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

Case No. : Bail Appln./970/2024

RAJESH KONWAR
S/O SRI BIJOY KONWAR
VILL- GOHAINGAON, P.S. DHAKUAKHANA
DIST. LAKHIMPUR, ASSAM
PRESENTLY RESIDING AT MEAS ROAD, DEKHAPARA, NEAR LOKPRIYO
GOPINATH BORDOLOI INTERNATIONAL AIRPORT, GUWAHATI, P.S.
AZARA, GUWAHATI, DIST. KAMRUP (M), ASSAM, PIN-781015

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

09.04.2024

Heard Mr. S. H. Sikdar, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Rajesh Konwar**, has prayed for grant of bail in connection with **Azara P.S. Case**

No.52/2024 under Sections 307/326/342/34 of IPC, R/W Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, R/W Section 14 of the Child Labour Prohibition and Regulation Act, 1986.

Learned counsel for the petitioner has submitted that the petitioner is innocent and falsely implicated in the instant case. He was arrested purely on suspicion and on the basis of the false and fabricated allegations leveled by the informant and the victim.

It is further submitted that the petitioner is no way connected with the alleged offence. The actual fact of the case is that the alleged minor girl was residing in the house of the petitioner since last six months. On the request of the parents of the victim, the petitioner kept the minor girl in his house so that she can provide food, shelter and education. The petitioner and his wife never tortured the minor girl but the neighbors of the petitioner due to previous grudge informed the police stating that the petitioner has kept the minor girl as maid in his house and tortured her, which is absolutely false and baseless.

Learned counsel for the petitioner has also submitted that the alleged victim has already been rescued as such further custodial interrogation of the petitioner is not required in the case and the petitioner may be enlarged on bail.

In response, Mr. D. P. Goswami, learned Additional Public Prosecutor has produced the case diary and submits that the victim girl has made an allegation of torture against the wife of the petitioner in her statement recorded under Section 164 Cr.P.C.

I have considered the submission of learned counsel for the parties. I have also perused the case diary which reveals that when the statement of the victim was recorded by the Investigating Officer under Section 161 Cr.P.C., the victim alleged that she was physically tortured by the petitioner and his wife as a result of which

she sustained grievous injuries on her person. In her statement before the Magistrate while recorded under Section 164 Cr.P.C, she specifically alleged that the wife of the petitioner assaulted her mercilessly. Such type of torture cannot be possible without the indulgence of her husband. It is also alleged by the victim that though she was brought to the house of the petitioner for monthly payment but nothing has been paid by the petitioner for her service in his house.

Medical report of the victim is available in the record which reveals that on examination of the victim, the doctor found the following injuries:

- (i) Swelling and tenderness over the left temporal region.
- (ii) Black eye noted with subconjunctival haemorrhage over the left eye.
- (iii) Tenderness and swelling over the nasal bone along with mild deviation.
- (iv) Multiple healed abrasions seen all over the body (different age).
- (v) Three bite marks noted over the back.
- (vi) Multiple burn injury with different stages of healing noted over the body.
- (vii) Pain and swelling noted on the left wrist joint and right forearm.
- (viii) Multiple pain and swelling spots noted all over the body.

One radiological report of the victim is available in the record which shows fracture in nasal bone and fracture in frontal process of left maxilla.

Having regard to the statement of the victim as well as the injury report available in the case diary, this Court is not inclined to grant bail to the petitioner.

Hence, prayer for bail is rejected.

Send back the case diary.

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

JUDGE

Comparing Assistant