

GAHC010105372024



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

Case No. : Bail Appln./1540/2024

RAKESH KALITA
S/O LATE KAMINI MOHAN KALITA
VILL- KARARA, P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

30.05.2024

Heard Mr N Barman learned counsel for the petitioner, Sri Rakesh Kalita.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as he is behind bars since 04.05.2024, in connection with Rangia PS Case No. 123/2024, registered under Sections 376/493 of the Indian Penal Code, 1860.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. I have considered the submissions at the Bar with circumspection.
5. I have considered the submission that the victim had a love affair with the petitioner.
6. The allegation against the petitioner is that he induced the victim to have physical relationship with him on the pretext of marrying her, but later, the petitioner cheated the victim and did not marry her.
7. It is submitted that this is not a case under Section 376 IPC, but a case of consensual relationship. The petitioner was already married and the victim was aware of the fact that the petitioner was married.
8. I have considered the submission that the petitioner is behind bars for 27 days.
9. Investigation may have presumably progressed to a considerable extent.
10. The petitioner is a local resident and he has pledged to cooperate with the remaining part of the investigation.
11. Considering the submissions at the Bar and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one surety of the like amount to the satisfaction of the learned SDJM, Rangia Court, Kamrup.
12. Bail Application stands disposed of.

JUDGE

Comparing Assistant