

GAHC010111792024



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

Case No. : Bail Appln./1623/2024

HITESH CHOUDHURY
S/O ARIN CHUDHARY
R/O VILL- BATABARI,
P.O. AND P.S. ABHAYAPURI,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-06-2024

Heard Mr. K. Boruah, learned counsel for the petitioner Hitesh Choudhury, who has filed this application under Sections 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since 22.05.2024 in connection with Golaghat Police Station Case No. 110/2024 under

Sections 342/354A(1)(i)/354A(1)(ii)/376(2)(b)/511/509 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State and Mr. B. Bora, learned counsel for the informant.

3. The allegation against the petitioner is that he has outraged the modesty of the victim and attempted to commit sexual assault on the victim.

4. The learned Additional Public Prosecutor has raised serious objection stating that the petitioner is aggressive by nature. The learned Additional Public Prosecutor and the learned counsel for the informant have submitted that the victim resides in the same campus where the petitioner has been serving as a jailor. It is further submitted that there are incriminating materials in the Case diary against the petitioner.

5. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.

6. The victim is the jail doctor where the petitioner is serving as the jailor. The Case Diary reveals that investigation has progressed to a considerable extent. It appears that further custodial detention may not be required.

7. Considering the progress of investigation and the length of detention, petition is allowed.

8. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the Eleka Magistrate under the conditions that:

(i) The petitioner shall not exercise threats to the witnesses or go near the vicinity of the victim.

(ii) The petitioner shall not tamper with the evidence or influence the witnesses and maintain the peace.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

9. On breach of any of the bail conditions, bail order shall stand cancelled.

10. In the above terms, this Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant