

GAHC010122772024



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

Case No. : Bail Appln./1784/2024

NIPU NATH
S/O NAREN NATH
R/O 7 NO. PB UDALI
P.S. LANKA
DIST . HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

Advocate for the Petitioner : S AHMED

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.07.2024

Heard Mr. S.Ahmed, learned counsel for the petitioner as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely **Nipu Nath** for bail in connection with **Lanka P.S. Case No. 151/2024** under Sections 420/376/506 of the Indian Penal Code read with Section 67 A of the IT Act.

Case diary is received.

The learned counsel for the petitioner submits that the petitioner had love affairs with the victim for last four years and as the petitioner was 20 years old, his parents asked him to continue his studies and wait for some years to solemnize the marriage and subsequently, FIR was lodged by victim. It is also submitted that the petitioner has been languishing in judicial custody for the last 81 days and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that the victim has implicated the petitioner in her statement under Section 164 CrPC. However, as the petitioner is in judicial custody for 81 days, he may be released on bail.

Having heard learned counsel for the parties and on perusal of the case diary and the averments made in this petition and the fact that the petitioner is in judicial custody for last 81 days, further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **CJM, Hojai**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, Hojai** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant