

GAHC010123622024



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

Case No. : Bail Appln./1798/2024

RUP KUMAR RABHA
S/O LATE DEBENDRA RABHA
R/O VILL- PURANBARI
P.O. RANI, P.S. PALASHBARI
DIST. KAMRUP, ASSAM
PIN- 781131

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. L N DIHINGIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

26.06.2024

Heard Mr L N Dihingia, learned counsel for the petitioner, Sri Rup Kumar Rabha, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as he is behind bars since 01.06.2024, in connection with Palashbari PS Case No. 182/2024, under Sections 341/306/307 of the Indian Penal

Code, 1860.

2. Heard Mr D P Goswami, learned Additional Public Prosecutor for the respondent/State.

3. It is submitted on behalf of the petitioner that the petitioner was provoked to defend his wife as the victim Jibeswar Rabha attempted to commit sexual assault on his wife.

4. The learned Additional Public Prosecutor has submitted that the Case Diary is received without the medical report of the victim. The discharge slip reveals that the victim has sustained injuries on his neck. The learned Additional Public Prosecutor has raised serious objection against the bail petition of the petitioner, without perusal of the medico-legal report of the victim.

5. I have considered the submissions at the Bar with circumspection.

6. Learned counsel for the petitioner has submitted that the petitioner will abide by any stringent conditions if imposed upon him. The discharge slip also reveals that the victim has been discharged from the hospital after treatment.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with one suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup, at Amingaon, under the conditions that:-

i) the petitioner shall not go anywhere near the vicinity of the injured person,

ii) the petitioner shall not exercise threats to the witnesses and maintain the peace,
and

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

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

8. Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant