

GAHC010125602024



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

Case No. : Bail Appln./1817/2024

MINTU BORA @ MINTU BORAH
S/O SRI DINARAM BORAH @ DINORAM BORAH, VILL- DUBIA
KUMARKATA
P.S. GAHPUR,
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.06.2024

1. Heard learned counsel Mr. R. Ali for the petitioner Mintu Bora.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 14.06.2024 in connection

with Gahpur P. S. Case No. 86/2024 under Sections 406/493/420 of the IPC.

3. Heard Mr. K. K. Parashar, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he had borrowed an amount of Rs. 3 lacs from the informant to start his business. When the informant asked the petitioner to return the loan, the petitioner lured the informant to marry him and accordingly on 03.06.2024, the petitioner took the informant to his house and forcefully committed sexual intercourse and then he took the informant in his car to Hawajan Road and abandoned her.

5. It is submitted on behalf of the petitioner that the informant is a widow with a college going son and has no sufficient source of income and she has purchased articles from the petitioner's shop on credit and a false case has been slammed against him.

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

7. It is submitted on behalf of the petitioner that there are no specific allegations in the FIR against the petitioner and thus no case under Section 406/420/493 of the IPC is made out against the petitioner.

8. Learned Additional Public Prosecutor has raised serious objection stating that to consider the bail petition, Case Diary is necessary.

9. I have considered the length of detention. I have also considered the submissions on behalf of the petitioner that the petitioner is willing to co-operate with the investigation. The petitioner is a local resident and is not a flight risk. It appears that bail may be granted to the petitioner.

10. In view of my foregoing discussions, petition is allowed.

11. The petitioner is enlarged on bail of Rs.50,000/- (Rs. Fifty Thousand), with a suitable surety of like amount to the satisfaction of the SDJM (M), Gahpur under

the conditions that;

(i) the petitioner shall not exercise threats to the witnesses and try to influence them, and

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

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

JUDGE

Comparing Assistant