

GAHC010174002024



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

Case No. : Bail Appln./2553/2024

DURGESWAR KALITA
S/O RAMESH KALITA
R/O SHYAM NAGAR,
BHABANIPUR, NOONMATI
P.S. NOONMATI, GUWAHATI,
DIST.KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A KHAN, MR. D BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

08.10.2024

Heard Mr. A. Khan, learned counsel for the petitioner and Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.

2. This is an application filed under Section 483 of the BNSS, praying for granting regular bail to the petitioner, **Durgeswar Kalita**, who was arrested on 14.07.2024, in connection with **Dispur P.S. Case No. 720/2024**, registered under Sections 64(1) of the BNS.

3. The case of the prosecution in brief is that on 13.07.2024, an FIR was lodged alleging inter-alia that the FIR named person is a worker, working at the house of the informant and on that day, he had asked the domestic helper of the informant (victim) for the ladder, which was kept in their garage. After that, the informant had sent the victim to open the garage and then, the accused took hold of her and pointed a sharp knife on her throat and said that if she shouts he will slit her throat and thereafter, he forcibly pulled her lower garment and raped her.

4. Mr. Khan, learned counsel for the petitioner submits that the petitioner has been languishing in jail hazot since 14.07.2024, for last 87 days. He further submits that the accused is innocent and is no way involved with the offence alleged in the FIR. He also submits that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Kaushik, learned Additional Public Prosecutor has produced the case diary before this court and submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 14.07.2024, and since then he has been languishing in jail hazot for last 87 days. Further, it appears that the I.O. has collected incriminating material in support of the allegation made in the FIR against the accused.

8. Considering the facts and circumstances of the case and also considering the materials collected by the I.O. and the length of detention, it is

provided that the petitioner, **Durgeswar Kalita**, shall be released on bail in connection with the above noted case on furnishing bail bond of **Rs. 20,000/- (Rupees Twenty Thousand)** only with one surety of like amount to the satisfaction of the jurisdictional criminal court.

9. The bail granted to the petitioner shall be subject to the following three conditions :-

- (i) The petitioner shall co-operate with the investigation,
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- (iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

10. With the above observation, this bail application stands disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant