

GAHC010178542024



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

Case No. : Bail Appln./2618/2024

BIKRAM KHAN
S/O ALTAF KHAN, R/O VIP ROAD, BONGARA, ISLAMPUR, P.O.-BONGARA,
P.S.-AZARA, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR J ISLAM, MR. T MOHAMMAD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.09.2024

- 1.** Heard Mr. T. Mohammad, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 483 of the BNSS, 2023 has been filed by the petitioner, namely, Bikram Khan, who is aged about 20 years and who has been detained behind the bars since 03.07.2024 (for last 70 days) in connection with

Satgaon P. S. Case No. 101/2024 registered under Sections 319(2)/87/61(1) of BNSS, 2023.

3. The gist of accusation against the present petitioner in this case is that on 03.07.2024, the victim girl had lodged an FIR before the Officer-in-Charge of Satgaon Police Station, inter-alia, alleging that the petitioner impersonating himself to be Bikram Das and belonging to Hindu community developed a relationship with the victim girl for last 6 months and on 30.06.2024, the petitioner subjected her to forceful sexual intercourse and on the next date, the petitioner took her to Bongaigaon by train and stayed in a hotel at Bongaigaon and on that night also she was subjected to forceful sexual intercourse.

4. Learned counsel for the petitioner has submitted that the petitioner as well as victim had a romantic relationship and the affair with the victim was consensual in nature. He also submits that the petitioner has been detained behind the bars for last 70 days and therefore, considering the length of detention, the petitioner may be allowed to go on bail.

5. On the other hand, the learned Additional Public Prosecutor has vehemently opposed the grant of bail to the victim girl on the grounds that the victim girl was deceived by the petitioner by concealing his real identity and it also appears that he also submits that the nature of allegation made against the petitioner is heinous as the victim was subjected to forceful sexual intercourse.

6. Learned Additional Public Prosecutor also submits that the forensic report in respect of the swab collected from the victim's girl has not yet been received by the Investigating Officer. He also submits that there is also a possibility of threatening the victim's life by the petitioner if he is released on bail and therefore, opposes the grant of bail to the petitioner.

7. I have considered the submissions made by the learned counsel for both the sides and perused the material in the case diary.

8. It appears that though, there was a romantic relationship between the victim

girl and the petitioner, however, the same due to the deception by the deception by the petitioner.

9. It also appears from the case diary and from the statement of the victim girl that she was subjected to forceful sexual intercourse by the petitioner, this Court is not inclined to grant bail at this stage.

10. The prayer for bail is therefore, rejected at this stage.

11. Send back the case diary.

12. With the above observation, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant