

GAHC010186572024



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

Case No. : Bail Appln./2718/2024

BISHWAJIT DAS
S/O LATE BIDHU BHUSHAN DAS, ASSISTANT PROFESSOR , DEPARTMENT
OF LAW, ASSAM UNIVERSITY, SILCHAR,
R/O VILLAGE AND P.O- IRONGMARA, P.S- SILCHAR, DIST-CACHAR,
ASSAM, PIN-788011

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : JATINDRA PRASAD BARUAH, MR. B M CHOUDHURY, MR. U
CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

17.09.2024

Heard Mr B M Choudhury, learned counsel for the petitioner, Dr Bishwajit Das, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 15.08.2024, in connection with Dwarbond PS Case No. 25/2024, corresponding to GR Case No. 1465/2024, registered under Sections 74/75(1)

(i)/75(1)(ii) of BNS, 2023.

2. Heard Ms S Jahan, learned Additional Public Prosecutor for the State of Assam.

3. The allegation against the petitioner is that during the 6th Semester Exam, the petitioner tried to outrage the modesty of the victim when she was alone in the petitioner's chamber after 04:30 pm, i.e., after the examination.

4. It is submitted on behalf of the petitioner that a false case has been brought up against him. The petitioner has already been highly prejudiced as he is at present placed under suspension and this has tarnished his reputation.

5. The learned Additional Public Prosecutor has raised serious objection stating that this is not the sole allegation against the petitioner. Earlier, there was an allegation that the petitioner had outraged the modesty of another girl named 'Y', which is reflected in the FIR. The learned Additional Public Prosecutor has further submitted that the statement of the victim under Section 164 CrPC is consistent to her FIR.

6. Learned counsel on behalf of the petitioner has submitted that the FIR was lodged after 3 days. The incident allegedly occurred on 10.08.2024 and the FIR was lodged after 3 days, leaving enough room for embellishment and fabrication.

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

8. I have also scrutinized the scanned copies of the Trial Court Record as well as the scanned copies of the Case Diary.

9. The petitioner has been behind bars for 34 days. The Charge Sheet has already been laid against the petitioner, as investigation is complete. It appears that further custodial detention may not be required. The petitioner has pledged to cooperate with the trial.

10. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- (Rupees Fifty Thousand Only) with a suitable surety of the like amount to the satisfaction of learned trial Court. The learned trial Court may impose conditions, which the Court deems fit and proper to secure the attendance of the petitioner.

11. Bail Application stands disposed of.

JUDGE

Comparing Assistant