

GAHC010196752024



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

Case No. : Bail Appln./2852/2024

AYAN SAHA
S/O GOUTAM KR. SAHA,
PERMANENT RESIDENT OF WARD NO. 1, BIJNI TOWN PS BIJNI, DIST
CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY, MR. R K SARMA, MR J DAS, MR T
CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.10.2024

Heard Mr. D. Choudhury, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Sections 483 of the BNSS, 2023 seeking regular bail in respect of Bijni P.S. Case No. 121/2024.

3. Mr. Sarma has submitted that the case diary has not been received.
4. After hearing the learned counsels of both sides, this Court is of the opinion that for consideration of this bail application perusal of the case diary is not required.
5. When the petitioner was a minor, he was in love with a major girl. They were maintaining relationship for a period of 4 years and during that period, on multiple occasions, they had physical relationship. The matter came to the knowledge of the families of both sides and the families of both the petitioner and the girl decided that when the petitioner will become major, his marriage will be solemnized with the girl. To that effect, both the families entered into an agreement. After that, the father and mother of the petitioner threatened the family of the girl that the petitioner shall not marry the girl. Therefore, the girl committed suicide.
6. I have considered the submissions made by the learned counsels of both sides.
7. On a plain reading of the FIR, it appears that there is no allegation against the present petitioner that he was responsible for the suicide of the girl.
8. The petitioner has been in custody for the last 34 days. This Court is of the opinion that the petitioner no longer deserves to be detained in custody. Therefore, his bail application is allowed.
9. It is hereby directed that the petitioner, Ayan Saha, who was arrested in connection with Bijni P.S. Case No. 121/2024 shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned SDJM(M), Bijni.
10. With the aforesaid direction, the bail application stands disposed of.

JUDGE

Comparing Assistant