

GAHC010198012024



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

Case No. : Bail Appln./2906/2024

PATHIK SIL @ PRATIK SHILL
S/O LATE NIMAI SIL,
R/O DHRUBADANGA
P.O. HIRAPUR, P.S. HIRAPUR,
PIN-713325
DIST. BARDDHAMAN, WEST BENGAL.
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S NEOG, MR. B BORGOHAIN, MR B SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

06.11.2024

Heard Mr. B Saikia, learned counsel for the petitioner and Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 by the petitioner, namely, Pathik Sil @ Pratik Shill, praying for release on bail, who was arrested in connection with Palashbari P.S. Case No. 346/2024.

3 [three] sisters along with the present informant were working in a biscuit factory at Palashbari. It is alleged that all the three women were removed from their job by the present

petitioner.

On 11.09.2024, at midnight, the petitioner had come to the house of the women aforesaid. It is alleged that the petitioner had sent out two sisters from the room and inside the room the petitioner committed rape upon the informant. The informant alleges that at about 1 AM, the petitioner left the room.

Mr. Baruah has submitted that the Medical Report has not yet been received.

Mr. Baruah has further submitted that in the statement recorded under Section 183 of the BNS,2023, the informant has implicated the present petitioner.

The Case Diary shows that the other two sisters have also supported the fact that the petitioner had entered into the room of the informant.

On the other hand, Mr. Saikia has submitted that since the girls were removed from their jobs they had lodged this false complaint against the present petitioner. Mr. Saikia has further submitted that the petitioner has already undergone 54 [fifty four] days in judicial custody.

Mr. Saikia also submits that the period of detention already undergone by the petitioner should be taken as a ground for releasing him on bail.

I have considered the submissions made by the learned counsel of both sides.

This court is of the opinion that, in this case, period of detention already undergone by the petitioner, deserves to be taken as a ground for releasing him on bail. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioner Pathik Sil @ Pratik Shill, who was arrested in connection with Palashbari P.S. Case No. 346/2024, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon.

The bail application is disposed of.

JUDGE

Comparing Assistant