

GAHC010200852024



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

Case No. : Bail Appln./2937/2024

ANDREW PATIR
S/O SRI RAHUL PATIR, R/O NO. 1 GUGAMUKH, P.S.-GUGAMUKH, DIST-
DHEMAJI (M), ASSAM, PIN-787034

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S MAHANTA, MR. M MAHANTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.10.2024

Heard Mr. M. Mahanta, learned counsel appearing for the petitioner and Mr.R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 483 of BNSS, 2023 praying for grant of regular bail to the petitioner, Andrew Patir, who was arrested in connection with Ghilamara P.S. Case No. 31/2024.

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. I have considered the submissions made by the learned counsels of both sides in the light of the materials available in the case record.
6. A 21 year old informant/girl alleged that on 09.08.2024 she came to Gogamukh and thereafter, the present petitioner took her to a place Simen Chapori in his motorcycle. There the petitioner had physical relationship with the girl. On 13.08.2024, the petitioner brought her to Majuli. There he abandoned her.
7. Mr. Mahanta has submitted that the distance between Gogamukh and Simen Chapori is 12 kms. According to Mr. Mahanta, the girl was having relationship with the petitioner. His whatsapp messages are also found with this bail application.
8. It appears that the petitioner was having a relationship with the girl and the girl was a consenting party to the act of the present petitioner. He has already spent 44 days in custody.
9. This Court is of the opinion that the petitioner no longer deserves to be detained in custody.
10. It is hereby directed that the petitioner, Andrew Patir shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned SDJM, Dhakuakhana, Lakhimpur.
11. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant