

GAHC010206482024



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

Case No. : Bail Appln./3031/2024

SANJIB KALITA
S/O SRI GOBINDA KALITA, R/O VILL- SIMALUA, NABARI, RANGIYA, P.S.-
RANGIYA, DIST- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMTI. JUMI KALITA
D/O RAJANI KALITA
VILL- KETEKIBARI (BARAMBOI)
P.S.-HAJO
DIST- KAMRUP
PIN-78110

Advocate for the Petitioner : MR. R SARMA, MR. J K ROY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.10.2024

Heard Mr. R. Sarma, 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 Section 483 of BNSS, 2023 praying for grant of regular bail to the petitioner, Sanjib Kalita, who was arrested on 10.09.2024 in connection with Rangia P. S. Case No. 244/2024.
3. The petitioner was in a relationship for a long time with the informant girl. They had regular physical relationship. The petitioner allegedly promised to marry the informant girl. After that, he allegedly took an amount of Rs.1,30,000/- from the girl. Finally this year, on 28th August, he asked the girl not to talk to him in future.
4. I have considered the submissions made by the learned counsels of both sides.
5. It is a settled position of law that a simple promise to marry without anything more is not covered within the definition of misconception of fact.
6. Under the given circumstances of the case, the petitioner no longer deserves to be detained in custody. Therefore, his bail application is allowed.
7. It is hereby directed that the petitioner, Sanjib Kalita, who was arrested in connection with Rangia P. S. Case No. 244/2024 shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned SDJM(M), Rangia.
8. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant