

GAHC010211972024



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

Case No. : Bail Appln./3128/2024

BIKASH MALLAH
S/O LATE KANAILAL MALLA,
R/O VILL- NO. 2 JAMDAHA, P.S. MANIKPUR, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08-10-2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Addl. P.P. for the State of Assam.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner, Bikash Mallah, who was arrested on

26.09.2024 in connection with Manikpur P.S. Case No. 131/2024, registered under Sections 81/64/351(2)/308(4) of the BNS, 2023 read with Section 66(E) of the I.T. Act.

3. The case of the prosecution is that one Barnali Sutradhar on 25.09.2024 lodged an FIR alleging inter alia that the informant had love affair with the petitioner since 6 years and thereafter, the petitioner raped her with a promise to marriage and threatened. It is further alleged that the petitioner demanded an amount of Rs. 10/12 lakhs before marriage. Accordingly, the aforesaid case has been registered.

4. Mr. Khan, learned counsel for the petitioner submits that it is amply evident from the contents of the FIR itself that the informant had maintained love affair for last 6 years and thereafter, made physical relation on various occasions which implies that she was a consenting party and that she is a major, aged 23 years.

5. Per contra, Mr. Kaushik, learned Addl. P.P. submits that the allegation is serious.

6. I have considered the arguments made by the learned counsel for both the contesting parties and have perused the materials available on record. It is evident from the allegations made in the FIR that the physical relation established by the accused with the informant is because of love affair that they were having since last 6 years.

7. Considering the facts and circumstances of the case, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of Rs.15,000/- (Rupees Fifteen

Thousand) only with one surety of like amount to the satisfaction of the learned CJM, Bongaigaon.

8. The bail granted to the petitioner shall be subject to the following conditions :

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

9. With the above observation, this bail application stands allowed.

10. This disposes of the bail application.

JUDGE

Comparing Assistant