

GAHC010215152024



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

Case No. : Bail Appln./3177/2024

BHARGAV GIRI
S/O BINOD GIRI, R/O H. NO. 32, KANYA MAHAVIDYALAYA PATH, P.S.-
GEETANAGAR, DIST- KAMRUP (M), ASSAM, PIN-781024

VERSUS

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

2:RATUL DEY
S/O LATE BIPUL DEY
R/O 14 JOURNALIST COLONY
KAHILIPARA
P.S.-DISPUR
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR K THAKUR, S YESMIN,MR D MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.12.2024

1. Heard Ms. S. Yesmin, learned counsel for the petitioner, Bhargav Giri who

has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 27.04.2024, in connection with Session (Special) Case No. 194/2024 arising out of Dispur Police Station Case No. 360/2024 under Sections 354A/323/376(3) of the IPC read with Section 75/79 of JJ Act, 2015.

2. Heard learned Additional Public Prosecutor, Mr. B. Sharma, Assam for the respondent State and Ms. M. Barman, learned Amicus Curiae for the respondent no. 2.

3. It is submitted on behalf of the petitioner that the petitioner is willing to cooperate with the trial. Two witnesses including the victim has already been examined. The medico-legal report reveals that the victim did not sustain any grievous injuries nor was she pregnant as alleged by the victim. It is submitted that, thus, doubt arises if the petitioner had impregnated the victim when the medico-legal report itself does not confirm pregnancy of the victim.

4. The learned Amicus Curiae for respondent no. 2 has raised serious objection stating that evidence of the victim and her statement under Section 164 of the Cr.PC clearly reveals that the petitioner is complicit. The petitioner is an aggressive person and the victim is yet to be cross examined. The petitioner may be successful in influencing the victim and other witnesses if he is enlarged on bail.

5. Both the learned Amicus Curiae and the learned Additional Public Prosecutor have submitted that the petitioner's bail prayer may be rejected as the petitioner is not entitled to bail.

6. I have considered the submissions at the Bar with circumspection. I have scrutinized the Trial Court Records. The merits of the case are not brought to

the fore as trial is progressing.

7. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions if imposed upon him. The petitioner is also willing to cooperate with the trial. I have also considered the length of detention as the petitioner is behind bars since 27.04.2024.

8. Considering all aspects, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Trial Court under the conditions that :

- (i) the petitioner shall not go anywhere near the vicinity of the victim,
- (ii) the petitioner shall not exercise threats to the victim and try to influence the witnesses,
- (iii) the petitioner shall refrain from such activities with which he is alleged, and
- (iv) the petitioner shall not leave the jurisdiction of the Court without prior permission.

9. On breach of any of the bail conditions, the Court is at liberty to cancel the bail granted to the petitioner

10. In terms of above observation, this Bail Application stands disposed of.

Send back the records.

JUDGE

Comparing Assistant