

GAHC010227282024



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

Case No. : Bail Appln./3334/2024

BUBUL KALITA
S/O LATE ANIL KALITA, R/O RODALI PATH, DURGASAROBAR HILLSIDE,
NEAR KAMAKHYA GATE, P.O.-BHARALUMUKH, P.S.-JALUKBARI, DIST-
KAMRUP (M), ASSAM, PIN-781009

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G Z AHMED, MR S A REEYAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

04.11.2024

Heard Mr. G Z Ahmed, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 by the petitioner, namely, Bubul Kalita, praying for release on bail, who was arrested in connection with Azara P.S. Case No. 181/2024.

A 19 [nineteen] years old girl was having relationship with the present petitioner. She has alleged that the petitioner took her to his house to introduce his family members. He also promised to marry her. But in the said house nobody was present and he had committed physical relationship with her. He even recorded the entire incident.

Later on, the petitioner started to threaten the girl that he would upload the video in social media. He also threatened to kill her. But he continued to promise to marry her.

Mr. Ahmed has pointed out to the Seizure List which shows that the boy and the girl had spent sometimes in hotel also. Mr. Ahmed further has submitted that the girl was a consenting party.

Mr. Goswami, learned Additional Public Prosecutor has submitted that the Case Dairy should be called for.

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

The petitioner has already undergone 59 days in judicial custody. Therefore, at this stage, this court is of the opinion that the petitioner does not deserve to be detained in custody for further period of time. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioner Bubul Kalita, who was arrested in connection with Azara P.S. Case No. 181/2024, 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 (M), Guwahati.

The bail application is disposed of.

JUDGE

Comparing Assistant