

GAHC010230402024



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

Case No. : Bail Appln./3381/2024

GIRISH RABHA
S/O KANTESWAR RABHA, R/O VILL- SOUTH KAKRAGAON, RABHAPARA,
P.S.-BONGAIGAON, DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

07.11.2024

Heard the learned counsel Mr. M. Khan appearing for the petitioner. Also heard Mr. M.P. Goswami, learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 whereby the

petitioner Grisih Rabha prayed for releasing him on bail after he was arrested in connection with Bongaigaon P.S. Case No.292/2024 under Sections 454/376 of the Indian Penal Code.

3. The informant lady was working as a house-maid in the house of a particular family. On the day of occurrence, the other members of the house were absent in the house. Only a baby was sleeping there. At the time, the petitioner came to the house. He was known to the informant lady. Thereafter, the petitioner allegedly committed rape upon her. After that, when she was four months pregnant, she lodged the FIR.

4. Mr. Khan submits that the informant is a married woman having two children. She was a consenting party to the act of the present petitioner.

5. Mr. Goswami submits that for consideration of the bail prayer, case diary deserves to be called for.

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

7. The petitioner has already spent 76 days in judicial custody.

8. This Court is of the opinion that under the given facts and circumstances of the case, the present petitioner no longer deserves to be detained in custody. Therefore, his bail application is allowed.

9. The petitioner Grisih Rabha who was arrested in connection with Bongaigaon P.S. Case No.292/2024 under Sections 454/376 of the Indian Penal Code, shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, Assam.

The bail application is disposed of.

JUDGE

Comparing Assistant