

GAHC010233032023



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

Case No. : AB/3519/2023

NISHI CHAKRABORTY
S/O LATE NIPENDRA CHAKRABORTY,
VILL.- NO. 2 GORUBANDHA, P.O.- SIMOLUGURI, P.S.- KACHUA, DIST.-
NAGAON, ASSAM, PIN- 782426.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR P C DEY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

05.03.2024

Heard Mr. P.C. Dey, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

This is a second bail application under Section 438 of Code of Criminal Procedure, 1973, filed by the petitioner, namely, Nishi Chakraborty, who is

apprehending his arrest, in connection with Kachua P.S. Case No. 131/2021, registered under Section 376/307/109 of the Indian Penal Code.

The case of the prosecution is that, the informant by filing an FIR dated 13.07.2021 alleged that the petitioner along with two other persons, after forcibly entering into her sister's home, committed rape upon her and also tried to burn her by pouring kerosene over her.

It appears that this court, earlier by order dated 19.08.2021 rejected the anticipatory bail application.

The case diary as called for is placed before this court.

Perusal of the case diary shows that the informant's statement has been recorded under section 164 of the Cr.P.C. wherein, she clearly corroborates her version in the FIR.

It further appears that the Investigating Officer has collected materials which implicate the petitioner. Further, there appears no change in circumstances since the earlier rejection of anticipatory bail.

Therefore, this court finds it not a fit case to grant the privilege of pre-arrest bail to the petitioner.

Return the case diary.

This disposes of the second anticipatory bail application.

JUDGE

Comparing Assistant