

GAHC010241492024



2024:GAU-AS:11572

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

Case No. : Bail Appln./3499/2024

SIDDARTH DEKA
S/O SARAT CHANDRA DEKA
R/O VILL- H. NO. 16, SUNDARAM PATH,
BYELANE 5, JATIA, KAHILIPARA, P.S. DISPUR,
DIST.KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-11-2024

Heard Mr. T. Chutia, learned counsel for the petitioner Siddarth Deka, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 with prayer for bail as he is behind bars since 30.10.2024 in connection with Dispur Police Station Case No. 1181/2024 under Sections

85/64(1)/115(2) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State, who has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.

3. The allegation against the petitioner is that he has committed rape on the informant. It is submitted on behalf of the petitioner that the petitioner is informant's nephew and he was brought up in the informant's house. Further it is submitted that the petitioner has solemnized his marriage on 19.08.2024 and it is not at all possible that after being newly married, he will commit rape on his aunt, who is a mother like figure. Annexure-3 of the petition is the certificate of marriage of the petitioner.

4. I have scrutinized the Case Diary. There are incriminating materials in the Case Diary against the petitioner. However, I have considered the submission that further custodial detention may not be required. I have also considered the submission that the petitioner is willing to cooperate with the remaining part of investigation. The merits of the case are not brought to the fore as investigation is still under progress. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions if imposed upon him.

5. Considering all aspects, petition is allowed.

6. 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 Chief Judicial Magistrate, Kamrup (M) under the conditions that :

(i) the petitioner shall appear before the Investigating Officer on every

fortnight till completion of investigation,

(ii) the petitioner shall not exercise threats to the victim as well as the other witnesses.

7. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant