

GAHC010250882024



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

Case No. : Bail Appln./3621/2024

JAYANTA TAW
W/O LATE KARNESWAR TAW,
VILL AYENGIA, P.S. GHILAMORA, DIST.LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MR P KOULI,MR. A BURAGOHAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

10.12.2024

Heard Mr. M Khan, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

By this application, filed under Section 483 of the BNSS, 2023, the petitioner, namely, Jayanta Taw, has prayed for released on bail, who is facing trial in connection with Sessions Case No. 69/2024 pending in the court of the learned Sessions Judge, Dhemaji arising out of Gogamukh P.S. Case No. 66/2024.

The petitioner and the girl were in a relationship as a result of which she became pregnant. Thereafter, the petitioner put vermilion on the forehead of the girl. The petitioner allegedly told the girl that if she does not

terminated her pregnancy, his family members will not accept her as a daughter-in-law. Therefore, pregnancy was terminated medically. The couple started to live together at Gogamukh. After few days, they came to Guwahati. This time, when the girl was alone in the house, the petitioner left her and did not return back.

The trial court has framed charges under sections 69 and 89 of the BNS, 2023

The petitioner has been in custody for the last 91 days.

On a plaint reading of the FIR, it appears that the girl was a consenting one for all the acts of the petitioner.

Mr. Khan has submitted that the petitioner is a 24 years old boy and he has actually married the said girl.

According to Mr. Khan, aforesaid FIR was lodged due to miscommunication and misunderstanding between the petitioner and the girl.

I have considered the submission made by the learned counsel for both sides.

This court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody for further period of time. Therefore, the bail prayer of the petitioner is allowed.

Accordingly, it is hereby directed that the petitioner, namely, Jayanta Taw, who is facing trial in connection with Sessions Case No. 69/2024 pending in the court of the learned Sessions Judge, Dhemaji arising out of Gogamukh P.S. Case No. 66/2024, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Sessions Judge, Dhemaji.

The bail application is disposed of.

JUDGE

Comparing Assistant