

GAHC010257782023



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

Case No. : Bail Appln./4182/2023

AMIT RABI DAS
S/O LT. MOTICHAND RABI DAS
R/O CHOTONICHINPUR, MEDORTORI
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. HEREIN BY THE PP, ASSAM

2:HALIMAN NESA
W/O MD. NISAN ALI
R/O NO. 1 MATHGHARIA
NEAR BORO CHOWK
P.S. NOONMATI

DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 27.03.2024

Heard Mr. S.Borthakur, learned counsel appearing for the Petitioner. Also heard Mr. R.J. Baruah, the learned Additional P.P. for the State of Assam.

This is an application under Section 439 of the Cr.P.C. in respect of G.R. Case No. 5053/2023 arising out of Noonmati P.S. Case No. 215/2023 under Sections 341/354/323/352/511 of the Indian Penal Code.

It is alleged in the FIR that when the 17 year old of the informant was going to attend her computer class, she was stopped on the road by the present petitioner and he molested her. It is further alleged that the petitioner had hit her forehead with his mobile phone and also slapped her. It is alleged that the petitioner tried to snatch her mobile phone and tried to run away with it.

In her statement recorded under Section 164 Cr.P.C., the victim girl had stated that for a period of 2 years she was in love with the petitioner and he even had physical relationship with her during that period. The girl has stated that she believed the petitioner to be a Muslim but later on she discovered that he was a Hindu and a married person having two children. On 11.7.2023 while the girl was going to attend her computer class, the petitioner allegedly snatched her mobile phone and ran away. The petitioner chased her into her room where the petitioner had physically assaulted the girl. She stated that her mobile phone was returned to her subsequently she informed her parents about the aforesaid incident.

Mr. Baruah submits that the victim girl is yet to be examined by the trial

court and therefore she objected to the bail prayer of the petitioner.

Mr. Borthakur submits that the girl eloped with someone in the meantime. He submits that the accused had already spent 257 days in judicial custody till now.

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

Considering the facts and circumstances of the case, this Court is of the opinion that the petitioner is no longer deserves to be detained in custody. Therefore, his bail application is allowed. Accordingly, it is hereby directed that the petitioner Amit Rabi Das shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Special Judge, Kamrup(Metro), Guwahati, Assam.

The bail application stands disposed off.

JUDGE

Comparing Assistant