

GAHC010260972023



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

Case No. : AB/3907/2023

HIRAK DAS
S/O HARE KRISHNA DAS
R/O DIHNIA, .P.O. AND P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05.01.2024

Heard Mr. S.H.Sikdar, learned counsel for the petitioner. Also heard Mr.B.B.Gogoi, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Hirak Das** in connection with **Nalbari P.S. Case No. 470/2023**, registered under Section 376 of the IPC.

Case diary is received.

The allegation in the FIR reveals commission of rape on informant by the petitioner.

The learned counsel for petitioner submits that the victim is a married lady and a false FIR has been lodged against him. Her mother did not support the case of the informant and as such, privilege of pre-arrest bail may be granted to the petitioner.

Learned Addl.P.P. has produced the case diary and submits that the mother of victim did not support the case of informant i.e. the victim and there is doubt as regards the alleged offence.

In view of above submissions and on perusal of case diary, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, the petitioner may be granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with the aforementioned case, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant