

GAHC010273282023



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

**Case No. : Bail Appln./4404/2023**

RAMESH BARUAH @ RAMESH BEZBARUAH  
S/O LATE CHANDI BEZBARUAH @ SANDI BARUAH  
R/O ALENGIDAL, HAJO NALBARI ROAD,  
P.S. AND DIST. NALBARI, ASSAM,  
PIN-781334

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR D CHUTIA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 10.01.2024**

Heard Mr. S. J. Sarma, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Ramesh Baruah @ Ramesh Bezbaruah*, who has been detained behind the bars since 20.11.2023 (for last 51 days) in

connection with Jalukbari P.S. Case No. 679/2023 under Sections 376/323/506 of Indian Penal Code.

The gist of accusation in this case is that on 19.11.2023, one Nilimi Konwar had lodged an FIR before the Officer-in-Charge of Jalukbari Police Station, *inter alia*, alleging that one girl who is the victim in this case who worked as maid in the Mahalaxmi Apartment, Sundarbari was assaulted and raped by the present petitioner.

The learned counsel for the petitioner has submitted that the present petitioner is no way involved in the offence alleged against him and false allegations have been made against the present petitioner as he used to close the gate of the Mahalaxmi Apartment in between 11-12 O'clock at night and the victim used to come late thereafter closing of the gate and, therefore, quarrels used to happen between them and the informant has been falsely implicated the present petitioner in the case. Learned counsel for the petitioner has also submitted that the petitioner has been detained behind the bars for last 51 days and considering the period of detention, he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Jalukbari P.S. Case No. 679/2023 and has submitted that there are sufficient incriminating material against the present petitioner in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. However, the learned Additional Public Prosecutor has fairly submitted that the medical report of the victim girl which was conducted on the next date of the incident does not implicate the present petitioner.

Learned Additional Public Prosecutor has also submitted that apparels of the victim girl have been seized by the Investigating Officer and the Investigating Officer is waiting for report of DNA cross matching of the victim's sample as well as

the petitioner's sample.

I have considered the submissions made by learned counsel for both the side and have gone through the materials available on record including the case diary of Jalukbari P.S. Case No. 679/2023.

Though the present petitioner has been implicated by the victim in her statement made under Section 164 of the Code of Criminal Procedure, 1973, however, considering the progress made in the investigation as well as considering the fact that the petitioner has been detained behind the bars for last 51 days, his further custodial detention does not appear to be necessary, if he otherwise cooperates in the investigation. Hence, the above named petitioner is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M) subject to the following conditions:-

- (i) That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

With the above observation, this bail application is disposed of.

**JUDGE**

**Comparing Assistant**