

GAHC010289242023



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

Case No. : Bail Appln./4613/2023

SANJAY THAKUR
S/O- SANSAR SINGH, R/O- VILL.- ARNAS, P.S. ARNAS, DIST.- REASI,
JAMMU AND KASHMIR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR T H HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.01.2024

- 1)** Heard Mr. T. H. Hazarika, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.
- 2)** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sanjay Thakur who has been

detained behind the bars since 08.11.2023 (for last 65 days) in connection with Badarpur GRPS Case No. 64/2023 under Sections 341/376/511/354(B) of the Indian Penal Code.

3) The learned counsel for the petitioner has submitted that the allegations against the present petitioner is that he attempted to outrage the modesty of the victim and tried to attempt rape on her and after investigation the chargesheet has been laid in this case against the petitioner.

4) It is also submitted that the petitioner has been detained behind the bars for last 65 days and he is ready to cooperate in the trial, and therefore, the prayer is made for allowing him to go on bail as chargesheet has already been laid in this case.

5) The learned Additional Public Prosecutor has objected the grant of bail to the present petitioner on the ground that there are incriminating materials which shows that the petitioner had attempted to outrage the modesty of the victim.

6) Considering submissions made by both the parties as well as the materials on record including the scanned copy of the Badarpur GRPS Case No. 64/2023 and considering the fact that the petitioner is behind the bars for last 66 days and chargesheet has already been laid, requirement of his custodial detention does not appear to be necessary if he otherwise cooperates in his trial.

7) In view of the above, the petitioner, namely, Sanjay Thakur is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Karimganj with the following conditions:

- i. That the petitioner shall regularly appear before the Investigating

Officer and cooperate in the investigation.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer or any Court.

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

JUDGE

Comparing Assistant