

GAHC010291272023



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

Case No. : AB/4326/2023

CHANDAN ROBIDAS AND 3 ORS
S/OLATE RAMPUJAN ROBIDAS
R/O VILL- MONACHERRA GRAN,
P.O. MONACHERRA, P.S. LALA
DIST. HAILAKANDI, PIN-788164

2: RINKU ROBIDAS
S/O LAXMICCHARAN ROBIDAS
R/O VILL- MONACHERRA GRAN

P.O. MONACHERRA
P.S. LALA
DIST. HAILAKANDI
PIN-788164

3: RAJESH ROBIDAS
S/O LAXMICCHARAN ROBIDAS
R/O VILL- MONACHERRA GRAN

P.O. MONACHERRA
P.S. LALA
DIST. HAILAKANDI
PIN-788164

4: SHIV SANKAR ROBIDAS
S/OLATE RAMPUJAN ROBIDAS
R/O VILL- MONACHERRA GRAN

P.O. MONACHERRA
P.S. LALA
DIST. HAILAKANDI
PIN-78816

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

19.01.2024

Heard Mr. R.A. Choudhury, learned counsel for the applicants and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Lala P.S. Case No.298/2023, under Section 447/448/354(B)/324/506/34 IPC, this application under Section 438 Cr.P.C. is preferred by four applicants, namely, Chandan Robidas, Rinku Robidas, Rajesh Robidas and Shiv Sankar Robidas, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Heuti Robidas on 15.11.2023. The essence of allegation made in the aforesaid FIR is that on 01.11.2022 at about 8:30 p.m., one Chandan Robidas, Rinku Robidas, Rajesh Robidas, Shiv Sankar Robidas and Abhijit Robidas entered into her household premises and called her daughter Smt. X (name withheld) to come outside her house and thereafter, they have surrounded her and Chandan Robidas and Rinku Robidas attempted to commit rape upon her on being instigated by the other accused persons and they have also misbehaved with her younger minor daughter Smt. X

(name withheld) while she tried to save her elder sister from being molested by the accused persons and when the informant and her family members interfered the same, then Rajesh Robidas, Shiv Sankar Robidas and Abhijit Robidas assaulted her and her family members.

4. Mr. Choudhury, learned counsel for the applicants submits that the accused No.5 mentioned in the FIR, namely, Abhijit Robidas is the own son of the informant and the other four persons, namely, Chandan Robidas, Rinku Robidas, Rajesh Robidas and Shiv Sankar Robidas are the brothers of her late husband and that the informant was residing in her maternal house and after death of her husband she came to the house of her husband and demanded properties and thereafter, altercation took place between the informant and the accused persons named in the FIR and in fact, nothing has happened as alleged in the FIR and that the applicants are ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the victim girl in her statement under Section 161 Cr.P.C. has implicated the applicant Nos.1 and 2 in molesting her and therefore, Mr. Lahkar has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. In view of the submission of learned Advocates of both the parties and also in view of the materials collected so far in the case diary and the nature and gravity of the offence and the punishment prescribed for the same, this Court is of the view that custodial interrogation of the applicants seems to be not warranted in the interest of investigation and therefore, this Court is inclined to allow this petition.

8. Accordingly, it is provided that in the event of arrest of the applicants, namely, Chandan Robidas, Rinku Robidas, Rajesh Robidas and Shiv Sankar Robidas, in connection with Lala P.S. Case No.298/2023, under Section 447/448/354(B)/324/506/34 IPC, they shall be enlarged on pre-arrest bail on their executing a bond of ₹ 50,000/- each, with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicants shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) The applicants 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; and
- (iii) The applicants shall not leave the jurisdiction of the learned C.J.M., Hailakandi, without prior permission.

9. In terms of above, this anticipatory bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant