

Misc. Criminal Case 405/2022

10-11-22

Petitioner is represented.

C/D received. Seen the same.

Perused C/R. Heard the learned counsel for the petitioner as well as the learned Addl. P.P. for the State.

Petition 1521/22 concerns with petitioner Dipankar Das's prayer u/s 439 CrPC, supported by an affidavit, for granting bail to accused Arun Das in connection with Pulibor PS Case No. 198/2022 u/s 448/376/511 IPC.

Informant lodged an FIR alleging that 25-10-2022 at about 7 PM, accused Arun Das entered into her house through the back door in her husband's absence, gagged her and dragged her to bed and climbed on her with intention to commit rape upon her person.

Learned counsel for the accused would submit that the accused has been falsely implicated and that the accused has spent considerable period in detention for which he may be allowed to go on bail. *Per contra*, learned Addl. P.P. would submit that I/O has laid down charge-sheet against the accused u/s 448/354 IPC and would fairly concede to the submissions of learned counsel for

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(contd/-)

accused and would submit to pass order as this Court finds it fit and proper.

I have scrupulously scrutinized the C/D.

Charge-sheet shows the accusation u/s 448/354 IPC against the accused.

Accused is behind bars since 28-10-22.

In light of the available materials in the C/D and taking into account the nature of offences vis-à-vis culmination of investigation as well as the period of detention of the accused, I believe, further custodial detention of the accused Arun Das will not be necessary.

In the attending facts and circumstances of the case as discussed hereinabove and also taking into account the period of detention, hence, I am inclined to allow the accused **Arun Das** to go on bail of ₹25,000/- with a suitable surety of the like amount to the satisfaction of the learned *Elaka* Magistrate, Jorhat subject to conditions –

- (i) *the accused shall appear before the I/O and/or Court as and when directed;*
- (ii) *the accused 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/her from disclosing such facts to the Court or*

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(contd/-)

*to any police officer; and
(iii) the accused shall not leave the
jurisdiction of the concerned Elaka
Magistrate without its previous
permission.*

Petition 1521/22 is allowed.

Send back the C/D to the I/O concerned
along with a copy of this order forthwith.

This Misc. Crl. Case is disposed of on
contest.

Addl. Sessions Judge
Jorhat