

06.02.2021:

The bail petition no. 157/2021 filed u/s 439 CrPC on behalf of the accused Sri Ajay Karmakar in connection with Biswanath Chariali PS Case No. 07/2021 u/s 366-A IPC is taken up as the case diary as called for is received.

Heard learned counsel for both the sides.

It has been submitted by the learned counsel for the petitioner that the accused is innocent and he has not committed an offence punishable u/s 366-A IPC.

Perused the case diary.

The accused has been under detention since 11.01.2021.

The informant in his 'ejahar' dated 05.01.2021 stated that on 03.01.2021 his daughter went missing after she went out for marketing. Later he could learn that the accused had enticed her and has been keeping her concealed.

The victim in her statement u/s 164 CrPC has stated that she has love affair with the accused and had accompanied him on her own to Jharkhand where they stayed for a week in his friend's house. They did not had any physical relationship between them. Medical examination report reveals that she is aged between 16 years to 18 years. There was no sign of recent sexual intercourse on her body. The case diary reveals that after they returned to the house of the informant, they were handed over to police.

Considering the same and the length of the detention of the accused, I find that further custodial detention of the accused is not required. The petition is therefore allowed.

The accused is allowed to go on bail of Rs.10,000/- (Rupees Ten thousand) with one surety of the like amount to the satisfaction of the learned Elaka Magistrate on the conditions that i) he shall make himself available before the Investigating Officer as and when required to help him in the investigation of the case ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so to dissuade him/her from disclosing such facts to the Investigating Officer or tamper with the evidence.

Return the case diary. The Misc. Case is disposed of accordingly.

Inform all concerned.


J. J. ... Judge
Newtown, ...