

**Present : Mr. C. B. Gogoi, Sessions Judge,
Sonitpur, Tezpur**

Misc.(CrI) Case No. 264 /2021

ORDER

21-08-2021 This is an application u/s 439 Cr.P.C. filed by one Saraswati Doimary seeking bail for accused Ajay Doimary in connection with Dhekiajuli PS Case No. 715/2018 u/s 376/34 IPC.

I have heard the learned lawyers appearing for both sides and also gone through the case diary received today.

Learned counsel appearing for the State submitted that there is clear evidence against accused of committing rape on the victim, therefore given the materials on record accused do not deserve to release on bail.

On the other hand, learned counsel appearing for the accused submitted that the allegations against the accused are totally false and concocted one. The accused has been wrongly framed on the pressure and ill advice of others. It is a case of 2018 and till date police failed to submit charge sheet. It is also contended that accused has been in judicial custody since 06-08-2021 and there is no need to detain the accused any more in juridical custody for the purpose of investigation.

Having heard the learned lawyers appearing for both sides and on careful consideration of the case diary, it transpires that contrary to the allegation of the victim, the medical report painted a different picture as the doctor found no sign of recent sexual intercourse though the victim was examined on the same day of the alleged incident. Moreover, case diary further reveals that investigation of this case almost completed and there is no need to detain the accused in the custody. Accused is a local person of Udalguri district having his permanent abode and therefore, there is no chance of his absconding.

Considering all the factors accused Ajay Basumatary is enlarged on bail of Rs. 30,000/- (Rupees Thirty Thousand) with one local surety each of like amount to the satisfaction of the learned Elaka Magistrate.

Send back the case diary in seal cover.
Accordingly, Misc(Crl.) case stands disposed off.

Sessions Judge
Sonitpur, Tezpur