

Misc.(Bail) Case No. 06 of 2022

O R D E R

18-01-2022

This is an application u/s 439 Cr.P.C. filed by one Suresh Bhuyan, seeking bail for accused Lalit Bhuyan, in connection with Rangapara PS Case No. 171/2021 u/s 376 IPC, corresponding to GR case No. 4590/21.

I have heard the learned lawyers appearing for both sides. Also gone through the contents of the case diary.

Learned counsel appearing for the State Mr. Munin Chandra Baruah objected the bail prayer contending inter-alia that there is sufficient materials against accused in the case diary.

On the other hand, learned counsel appearing for accused contended that the very contents of the FIR reveals that there is no offence of rape as alleged. Therefore, learned counsel for accused prays for bail.

Having heard the learned lawyers appearing for both sides and on careful consideration of the case diary including the statement of the alleged victim girl recorded by Magistrate u/s 164 Cr.P.C., it transpires that the girl has love affairs with accused for long and the girl was married with another person 2 years back but she has been residing in the house of her parents. She spent only two months with her husband after marriage as her husband left her and married another girl. Thereafter, she developed affairs with accused while she was in the house of her parents and there was physical relation with accused at her own will and now she became pregnant and when she informed the matter to accused he refused to marry her.

On consideration of the fact of the case, it appears that the girl is 19 years old and she had voluntary physical relation with

accused. Therefore, prima-facie no offence u/s 376 IPC appears to have been attracted in the present case. Therefore, considering the factual matrix of the case, this Court is of the considered view that this is a fit case to grant bail to accused.

In the result, accused Lalit Bhuyan is enlarged on bail on execution of a bond of Rs. 20,000/- (Rupees Twenty thousand) only with one local surety of like amount in default to jail to the satisfaction of learned Eleka Magistrate.

The bail application is accordingly stands disposed off.

Let the case diary be returned.


(C.B. Gogoi)
Sessions Judge,
Sonitpur, Tezpur.