

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Criminal (Bail) No. 218/2022**

**Pankaj Singha**

**Vs.**

**State of Assam**

<b>Sl. No. of Orders</b>	<b>Date</b>	<b>Order</b>	<b>Signature</b>
	<b><u>03-06-22</u></b>	<p>This is an application u/s 439 Cr.P.C. filed by Pankaj Singha seeking bail for accused Manik Singha in connection with Jamuguri PS Case No. 48/2022 u/s 457/376/511 IPC corresponding to G.R. Case No. 992/2022.</p> <p>The allegation in the FIR is that on 24-04-2022 at about 9.30 PM while the informant along with her three year old female child were sleeping in her house, one Manik Singha of the same village, taking advantage of absence of her husband in her house who stayed at Tamilnadu in order to earn his livelihood, accused trespassed into her bedroom by breaking open the wall and grabbed her and started to remove her cloths with a view to commit rape on her but she somehow pushed him but accused again grabbed her to which she hit him on his head with a lathi found nearby and somehow saved herself. She also made hue and cry to which Sri Sitananda Barman came forward and caught the accused person.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary.</p> <p>Counsel for State submits that accused made lethal attempt to commit offence of rape which is a heinous offence and for such act equal punishment has been prescribed by statute irrespective of attempt to rape or commission of rape. Therefore, in the present case, the ingredients of the offence is writ large.</p> <p>On the other hand, learned counsel for the accused contends that so far accused spend 41 days in judicial custody. Moreover, he vociferously contended that the reason behind this</p>	

case is a civil dispute between the parties but a false case of rape has been filed against the accused with vengeance only with a view to settle score. There is no truth in the allegation. It is also contended that police has already submitted charge-sheet on completion of investigation and there is no need to detain the accused in judicial custody. Moreover, accused is a local person having his movable and immovable property within the jurisdiction of this court and there is no chance of his absconding. Hence, learned counsel prays for bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of contents of the case diary, it transpires that on completion of investigation police laid the charge sheet against accused u/s 457/376/511 IPC. Perusal of case diary further reveals that accused was arrested by police on 25-04-2022 and till date he has been in custody for 39 days.

Moreover, taking into consideration the fact that accused is a local person having his permanent abode within the jurisdiction of this court, accused Manik Singha is enlarged on bail of ₹25,000/- (Rupees Twenty Five Thousand) only with one local surety of like amount i/d Jail to the satisfaction of learned Elaka Magistrate on condition that accused shall not made any attempt direct or indirect to threatened/ influence the complainant and other prosecution witnesses during the course of trial.

Send back the case diary in seal cover.

Accordingly, the case is disposed off.

Sessions Judge,  
Sonitpur, Tezpur.