

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 571/2022

Baldev Prasad

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>16-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Baldev Prasad seeking bail for accused Himanshu Saroj who was arrested by police in connection with Dhekiajuli PS Case No. 303/2022 u/s 366 IPC, corresponding to G.R. Case No. 2086/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the case diary.</p> <p>The allegation in the FIR is that on 06-10-2022 at 10 AM the daughter of informant disappeared when she left her house to go to Rangapara. Hence, the case.</p> <p>Learned counsel for State opposed the bail prayer contending inter alia that it is a serious case of kidnapping of a minor girl and police recovered the victim girl from the possession of accused. Moreover, there are sufficient materials emerged in the case diary against the accused.</p> <p>On the other hand, learned counsel appearing for accused submitted that accused is totally innocent and police wrongly detained accused as the alleged victim girl voluntarily went with the accused out of love affairs between the accused and victim girl since long. Therefore, learned counsel for accused press for bail.</p> <p>Having heard the learned counsels appearing for both sides and also careful perusal of the case diary including the statement of victim girl u/s 164 Cr.P.C., it transpires that even though at first blush the girl appears to go with accused voluntarily but on sweet words and good faith to meet the accused but accused had a criminal intent who without the</p>	

consent of her parents/ guardians shifted her from one place to another i.e. from Dhekiajuli to Rangia Railway Station under duress and then taken her to Faridabad, Delhi. Kept her confined there against her will, did not allow her to talk with her family members, snatched away her mobile phone and broken her SIM card and attempted to commit sexual assault on her. From perusal of the statement of the victim, made out a prima facie case of kidnapping of ill intention of accused of sexually exploiting her. Case diary further reveals that accused was arrested by police on 15-10-2022 and charge-sheet was laid on 29-10-2022 within the statutory period. So, accused cannot claim bail as a matter of right u/s 167(2) Cr.P.C.

Therefore, considering the nature and gravity of the offence and all the attending factors, the bail prayer stands rejected.

Send back the case diary in seal cover.

Accordingly, the case is disposed of.

Sessions Judge,
Sonitpur, Tezpur.