

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 592/2022

Dilip Biswas

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>28-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Dilip Biswas seeking bail for accused Shiva Biswas who is in jail in connection with Dhekiajuli PS Case No. 308/2022 u/s 366 IPC, corresponding to G.R. Case No. 2091/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary.</p> <p>The allegation in the FIR is that on 10-10-2022 the daughter of informant victim "X" (real name withheld) aged 13 years got missing from her house and the informant searched for her but did not find her, so, he informed the police. Later on, on 22-11-2022 informant came to know that FIR named accused forcefully kidnapped his daughter. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is serious case of kidnapping of a minor girl aged about 13 years from her house forcefully. Therefore, given the nature of the offence alleged, the accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for the accused contends that the alleged victim girl had love affair with the accused since long and in fact; the victim herself intentionally/ willfully deserted her parent's house and voluntarily ran away with the accused. Hence, learned counsel for accused prays for bail.</p> <p>Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary, it appears that admittedly the girl is minor being born on 09-02-2008 when she was allegedly kidnapped by</p>	

accused on 10-10-2022. Though the girl stated that she voluntarily went with accused but the statement of the victim before Magistrate appears to be tutored one as she has not attained the age of marriage and sufficient maturity to go with accused voluntarily. Since accused moved the girl from one place to another without the consent of her guardian and kept her confined for two nights elsewhere itself suggests that the accused knowing the fact that girl was minor at the time of taking her by him and his act therefore, constitutes a prima facie offence u/s 366(A) IPC.

Therefore, considering all the attending facts, this court do not consider it a fit case to grant bail to accused. In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.