

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Criminal (Bail) No. 632/2022**

**Guru Das**

**Vs.**

**State of Assam**

Sl. No. of Orders	Date	Order	Signature
	<u>12-12-22</u>	<p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Guru Das seeking pre-arrest bail in connection with <b>Tezpur River PS Case No. 05/2019</b> u/s 366 IPC in connection with P.R. Case No. 1596/2019, corresponding to G.R. Case No. 53/2019.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary along with the case record.</p> <p>The allegation in the FIR is that informant lodged an FIR on 13-03-2022 alleging inter alia that on 04-03-2019 at 11 AM the daughter of informant went to Lawkhowa Temple along with accused Guru Das but after one hour when she did not return home informant called her but the phone was showing switched off and till then she has not returned home. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is a serious case of kidnapping the victim girl by none other than her maternal uncle and kept her confined for few days without the consent of her legal guardian. Therefore, given the serious nature of the allegation, learned P.P. contends that it is not a fit case to consider pre-arrest bail to accused petitioner.</p> <p>On the other hand, learned counsel appearing for the accused petitioner contends that accused petitioner is innocent and the real fact is that accused petitioner is the maternal uncle of the victim with whom victim on 08-03-2019 went to visit Lawkhuwa Temple but victim alone went to meet her friend without informing the accused petitioner. So, he has no personal knowledge regarding kidnapping of his niece. Therefore, learned</p>	

counsel for accused petitioner press for pre-arrest bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary and the case record along with the statement of victim recorded by Magistrate u/s 164 Cr.P.C., it transpires that the incident occurred on 04-03-2019 and FIR was lodged only on 13-03-2019 and it is also seen that alleged accused is the maternal uncle of the alleged victim. As it appears, later on, victim was taken by her fiancé. It is seen that police had already submitted charge-sheet and the case is at the stage of appearance and at this stage, the detention of the accused in judicial custody is not warranted. Even though allegation against accused is of kidnapping of his niece but on consideration of the fact of the case, it appears that detention of the accused in judicial custody is not warranted after filing charge-sheet by way of refusing to grant anticipatory bail. At this stage, there is no chance of causing influence on the victim or threatening the witnesses.

Therefore, taking into consideration all the attending factors, accused petitioner Guru Das is enlarged on pre-arrest bail in execution of a bond of ₹15,000/- (Rupees Fifteen Thousand) to the satisfaction of learned CJM, Sonitpur, Tezpur where the case is pending for trial.

Send back the P.R. case No. 1596/2019 u/s 366 IPC along with a copy of this order.

Accordingly, bail petition is disposed of.

Sessions Judge,  
Sonitpur, Tezpur.