

**ORDER SHEET FOR MAGISTRATE'S RECORDS. Adv: R. Bharali
DISTRICTS : SONITPUR**

IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR

MISC. (CRIMINAL (Bail) Case No. 521 of 2022

Smti Karabi Khargharia , Petitioner VS. STATE OF ASSAM.

Sl. No.	Date	<u>order</u>	Signature
	<u>31-10-22</u>	<p>Seen the petition No. 2251/22 filed by one Smti Karabi Khargharia, seeking bail for accused Arup Khargharia, who was arrested in connection with Thelamara PS Case No. 59/22 u/s 420/376/384/506 IPC, read with section 67 IT Act, corresponding to GR case No. 1442/22.</p> <p>The allegation in the FIR is that in the month of January, 2021 accused named in the FIR visited her house along with her husband and introduced with the informant being the resident of the same district and after the said introduction accused developed friendly relation with the informant and her husband and used to visit their house off and on at Thelamara and sometime without the consent of the informant accused took her for outing and on 5th day of January, 2022 accused took her to Greenwood Hotel at Dkergaon in the pretext of taking her out for outing and committed rape on her against her will with the threat that in the event she desire to disclose the matter to any one, accused kill her husband and her 11 years old son. Being frightened with the</p>	

threat perpetrated by accused, she did not disclose it to others but on 24th day of June, 2022 accused made a phone call to her husband saying that he would take her and then accused had sent nude photographs of informant to her husband and other family members and also threatened that informant had to pay Rs. 5,00,000/- to him. Hence, the case.

Learned counsel appearing for accused prays for bail contending inter-alia that police after investigation submitted charge sheet and there is no need of custodial detention of accused person. It is also contended that it was a case of belated filing of the FIT which is the result of afterthought and more so, victim is a major woman, therefore, prays for releasing the accused on bail.

On careful perusal of the case record, it transpires that accused was arrested by police on 23-08-2022 and the charge sheet was laid on 30-09-2022 within the statutory period. Therefore, as per section 167(2) Cr.P.C. accused as the matter of right cannot claim bail. In the present case, though some delay has been caused in lodging the FIR but sufficient reason has been given in the FIR and the offence alleged is grave and serious in nature.

Therefore, considering all the attending factors, this court is not inclined to grant bail to the accused.

Accordingly, bail application stands disposed off.

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