

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

IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR

MISC. (CRIMINAL (Bail) Case No. 551 of 2022

Suresh Sawashi , Petitioner VS. STATE OF ASSAM.

Sl. No.	Date	<u>order</u>	Signature
	<u>07-11-22</u>	<p>Case record is put up before me since P.O. is on leave. The case is withdrawn from the file of learned Addl. Sessions Judge (FTC), Sonitpur, Tezpur and taken up for disposal.</p> <p>This is an application filed u/s 439 Cr.P.C. by one Suresh Sawashi, seeking bail for accused Pritam sawashi, who was arrested in connection with Tezpur PS Case No. 949/22 u/s 420/376 IPC, corresponding to GR case No. 1849/22.</p> <p>Case diary as called for has also been received.</p> <p>Learned counsel appearing for the State Mr. Munin Chandra Baruah submitted that it was a clear case of rape of the victim under false promise of marriage and this fact has been clearly stated by the victim girl. Since, it was a serious offence, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for accused vehemently contended that the allegation is totally false and fictitious. The alleged victim was major and she is voluntarily went with accused and had the</p>	

physical relation with consent, therefore no case is made out against the accused. Moreover, accused has been in judicial custody since 07-09-2022 and since then accused has spent in judicial custody for two months and there is no need to further detain the accused in judicial custody.

I have heard the learned lawyers appearing for both sides and on careful perusal of the case diary, it transpires that this court vide order dated 21-10-2022 had already rejected the bail after perusal of the case diary and today no new grounds has been made out for moving the bail application. Since there was evidence in the case diary to show that accused committed the offence alleged under mis-representation and taking mileage of good faith and confidence of a girl.

Therefore, this court do not consider it a fit case to grant bail to the accused.

Accordingly, bail application stands disposed off.

Let case diary be returned along with a copy of this order.

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