

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Misc. Criminal (Bail) No. 517/2022

Sri Suresh Sawashi

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>21-10-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Sri Suresh Sawashi seeking bail for accused Sri Pritam Sawashi who was arrested by police in connection with Tezpur PS Case No. 949/2022 u/s 420/376 IPC corresponding to G.R. Case No. 1849/2022.</p> <p>The allegation in the FIR is that complainant has lodged the ejahar stating inter alia that on 13-08-2022 while she was travelling to Bihaguri High School, the FIR named accused met her at Bandarmari at around 8 AM and forcefully took her in his bike to a hotel in Tezpur and made physical relation in the pretext of marrying her. It is also alleged that at 7 PM accused dropped her at the house of her sister at Ghoramari Bamungola and fled away. Hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the contents of the case diary.</p> <p>Learned counsel for State submitted that it is a serious case of committing rape on a girl on the false promise of marrying her and after committing rape on her left her in the wilderness. Therefore, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for accused strenuously argued that the alleged victim girl is a major girl and the physical relation between the accused and victim girl was done with the consent of the girl. So, the very ingredient of rape is not established in this case. Moreover, victim girl had love affairs with accused since long. So, learned counsel for accused prays for bail.</p> <p>Having considered the contention of the learned counsels appearing for both sides and on careful perusal of the entire case</p>	

diary, it transpires that accused committed rape on the victim on the false promise of marriage and subsequently ignored her. As it appears accused had the prior criminal mind to exploit the victim physically and after accomplishment of his desire, he left the girl in the wilderness. As it seems, accused obtained the alleged consent of the victim girl by sheered misrepresentation and exploiting the good faith & confidence of the girl. The alleged act of the accused cannot be said to be with due consent of the girl.

Therefore, considering the very nature and gravity of the offence, this court do not consider it a fit case to grant bail to the accused. In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, the case is disposed of.

Sessions Judge,
Sonitpur, Tezpur.