

(2021) 06 GAU CK 0003

In the Gauhati High Court

Case No : Anticipatory Bail No. 1465 Of 2021

Rupkowor Kolita @ Rupkowor Kalita

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 04-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 376

Protection of Children from Sexual Offences Act, 2012 — Section 4

Citation : (2021) 06 GAU CK 0003

Hon'ble Judges : Sanjay Kumar Medhi, J

Bench : Single Bench

Advocate : S K Jain

Final Decision : Disposed Off

Judgement

Heard Shri SK Jain, learned counsel for the applicant, namely, Rupkowor Kolita @ Rupkowor Kalita, who has filed this anticipatory bail application

under Section 438 of the CrPC praying for pre-arrest bail in connection with Hajo PS Case No.642/2021, under Section 376 of the IPC, read with

Section 4 of the Protection of Children from Sexual Offences Act.

Pursuant to the order dated 27.05.2021, the Case Diary has been produced by Shri TK Misra, learned Addl. Public Prosecutor, Assam.

Shri Jain, learned counsel for the applicant submits that the present petitioner and the alleged victim were having love affairs and the allegation of rape has been falsely made.

Shri Misra, learned Addl. Public Prosecutor submits that except the victim girl, none of the alleged witnesses who had apparently seen the incident have supported the case of the informant. On the other hand, the witnesses have

stated that they had simply seen the applicant and the victim taking each other.

Considering the above, this Court is of the opinion that custodial detention of the applicant may not be necessary.

It is therefore directed, in the interim that in the event of arrest of the abovenamed applicant in connection with the aforementioned police case, he shall be released on bail on furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand) only with one surety of the like amount to the satisfaction of the Arresting Authority.

The petitioner is directed to appear before the IO on or before 16.06.2021.

The petitioner is further directed to render full cooperation in the case and not to indulge in any activities detrimental to the same.

The anticipatory bail application stands disposed of.