

**Misc. Crl. 453/21**

26.08.2021

Seen the petition u/s 439 of the Cr.P.C filed by petitioner Pradip Saha with a prayer to grant bail to accused Biplab Ch. Saha who is in judicial custody in connection with Dudhnoi P.S. Case No.22/2021 corresponding to G.R. Case No.484/2021 u/s 417/376 of the IPC.

The case diary is received and I have perused the same. I have also heard the learned counsel for the petitioner and also the learned Public Prosecutor for the State in the virtual court through video conferencing.

The allegation, as per the ejahar, is that the above named accused had been establishing physical relationship with the informant since 2018 with a promise to marry her but, on 20.02.2021, the accused informed her over phone that there would be no relationship between them from that day because his guardian had fixed his marriage with another girl. Further allegation is that on 13.01.2021, the accused had taken the informant to his house situated at Bekipool for one day and spent the night with her as a result which she became pregnant of one month on the date of filing of the ejahar i.e. on 25.02.2021.

The learned counsel for the petitioner submitted that the allegation brought against the accused person is not true as the accused neither promised to marry the victim girl in consequence of love affairs nor he spent any night with

her. It is further submitted that the mother of the accused, namely Maya Rani Saha, has been suffering from cancer and his father, namely Sunil Saha, is a neuro psychiatric patient. And the accused has to look after his sick parents regularly. The learned counsel has also submitted some documents regarding medical treatment of Maya Rani Saha issued by Dr. Bhubaneswar Borooah Cancer Institute, Guwahati in proof of his submission and I have perused the same.

On perusal of the case diary, it transpires that the investigation of the case has already been completed and the I.O. has submitted a charge sheet against the accused person u/s 417/376 of the IPC. From the statement of the victim girl recorded u/s 164 of the Cr.P.C as well as from the medical report, it appears that the victim was a major girl at the time of the occurrence and she had love affairs with the accused for a long period. The accused has been in judicial custody since 02.08.2021 in connection with this case. Further custodial detention is not required as the investigation has already been completed. Further, the accused is required to arrange proper defence during trial of the instant case and for that purpose, accused is required to be enlarged on bail. Moreover, due to Covid-19 pandemic situation, the jail is required to be decongested for the safety of other inmates of the jail.

In view of the above facts and circumstances and as well as considering the submissions of the learned counsel for the petitioner and since the investigation of the case has

already been completed and also in view of the present situation of Covid-19 pandemic in the State, I do not think it to be necessary to keep the accused further behind the bar. Therefore, the prayer for granting bail to accused Biplab Ch. Saha is allowed.

Accordingly, the accused, namely Biplab Ch. Saha, may go on bail of Rs.30,000/- (Rupees thirty thousand) only with a solvent surety of the like amount to the satisfaction of learned court below subject to the condition that he shall not tamper with the evidence of the case in any manner or he shall not make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the lawful authorities and he will be regular in attendance before the trial court till the end of the trial.

Send back the case diary with a copy of this order. A copy of this order shall also be furnished to the petitioner or his learned counsel forthwith by the Bench Asstt./Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. Case is thus disposed of.

Sessions Judge  
Goalpara