

**Misc. CrI. 278/21**

04.06.2021

Seen the petition u/s 438 of the Cr.P.C. filed by accused-petitioner Biplab Saha @ Biplob Ch. Saha @ Biplop Saha who is apprehending arrest in connection with Dudhnoi P.S. Case No.22/2021 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 accused-petitioner as well as the learned Public Prosecutor in the virtual court through video conferencing.

The contents of the FIR, in brief, is that the accused petitioner by developing love affairs with informant Pratima Das used to do physical relationship with her with a promise to marry her and on 13.01.2021, the accused petitioner took her to his house situated at Bekipool and spent the night with her as a result of which she became pregnant of one month on the date of filing the ejarah. Thereafter, on 20.02.2021, the accused-petitioner informed the prosecutrix over mobile phone that he would not keep any relationship with her in future as his marriage had been fixed with another girl.

The learned counsel for the accused-petitioner submitted that the accused-petitioner has been falsely implicated in this case who is a respectable citizen in the society and he is not involved in any criminal case. The learned Public Prosecutor has objected the bail application.

Perusal of the case diary reveals that the investigation is going on. The victim girl in her statement u/s 164 of the Cr.P.C. has implicated the accused in commission of the offences as alleged. The medical report shows that the victim girl was carrying 4 weeks 6 days size of gestation on the date of examination i.e. on 26.02.2021. Enlargement of the accused on anticipatory bail may hamper the investigation.

Having regard to the nature of the offence allegedly committed by the accused-petitioner, this court is of the view that it is not a fit case to grant the privilege of pre-arrest bail to the accused-petitioner at this stage of investigation. Accordingly, the prayer is rejected.

Send back the C.D. with a copy of this order. A copy of this order shall also be furnished to the accused-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