

Cri. Misc. No. 731/19

24.10.2019

Bail petitioner for accused person Sri. Haridas Biswas represented.

Learned Addl. P.P. Mr. N. A. Choudhury notified and appeared.

Heard both sides on bail petition filed U/S 439 of Cr.PC praying for grant of bail to accused person namely **Sri. Haridas Biswas** who is detained in custody in connection with Mayong P.S. Case No. 171/19 (GR No. 1995/19), U/S 376 IPC.

Petition is supported by an affidavit filed by Smt. Mina Biswas, swearing that earlier one bail petition has been rejected, except that no bail petition has been filed or rejected or pending before Hon'ble Gauhati High Court or any other Superior court.

Prosecution case, in concise, is that complainant Sri. Milan Biswas lodged a written ejahar stating inter-alia that on 17.08.19 accused person Sri. Haridas Biswas came to attend puja at complainant's house. At about 10.30 p.m. while complainant was sleeping alone then accused person entered into her house and raped her by gagging her mouth. On 18.8.18 complainant's husband committed suicide thereafter by hanging. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent. On the contrary, learned Addl. P.P. Mr. N.A. Choudhury submitted to pass order as per law.

Perusal of CD and LCR shows that accused person is behind bar since 04.09.19. In the mean time the case is charge sheeted vide charge sheet no. 98/19 u/s 376 IPC dated 30.9.19. I do not consider custodial detention a must.

Considering all aspects, accused person **Sri. Haridas Biswas** is **allowed** to go on bail of Rs. 20,000/- (Twenty thousand) with a fit

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surety of like amount to the satisfaction of learned Elaka Magistrate,
Morigaon.

The CrI. Misc. Case stands disposed off.

Send back L.C.R & CD accordingly. C.S be tagged to CD.

Inform all concerned.

Asstt. Sessions Judge,
Morigaon