GAHC010057952021

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/928/2021

LAKHI MAHANTA
S/O LATE NABIN MAHANTA, R/O GOLIA, P.O.-PANIBHARAL, P.S.-
BISWANATH CHARIALI, DIST-BISWANATH, ASSAM, PIN-784176

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner   : MR. T J MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30-04-2021

Heard Shri T. J. Mahanta, learned Senior Counsel for the petitioner, **Sri Lakhi Mahanta**, who has filed this application under Section 438 of the CrPC seeking anticipatory bail in connection with **Biswanath Chariali** Police Station **Case No. 60/2021** under **Section 376** IPC (GR Case No. 144/2021).

The Case Diary which was called for vide order dated 23.03.2021 has

been received.

The Senior Counsel appearing through RVC submits that the allegation *prima facie appears* to be concocted one. He has further submitted that for the last two years, the victim was not connected to his house and he is also agreeable for a DNA test and in fact filed an application in that regard.

On the other hand, Shri H. Sarma, learned Addl. PP, Assam submits that in the statement made under Section 164 CrPC, the informant victim has implicated the petitioner. However, there is another statement of one Shri Podum Bora wherein it has been stated that the informant victim was staying in their place for the last one year when she was found to be pregnant.

Considering the facts and circumstances and also the fact that the petitioner is cooperating with the investigation, the present application is allowed by making the interim order absolute. It is however directed that the petitioner shall continue to render full cooperation with the investigation and shall not indulge any activities which are detrimental to the same.

Anticipatory bail petition stands disposed of.

Case Diary is returned herewith.

JUDGE

Comparing Assistant