

GAHC040011982023



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

Case No. : AB/56/2023

Govind Arangham
S/o - Shri R. Arangham, R/o Mowb II, Itanagar, Papum Pare District, Arunachal Pradesh. Phone No. 8974829077

VERSUS

THE STATE OF AP
represented by Public Prosecutor.

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

06.09.2023

Heard Mr. Rajesh Sonar, learned counsel for the petitioner. Also heard Mr. J. Tsering, learned Public Prosecutor for the State as well as Mr. T. Tagum, learned counsel for the victim/first informant.

This application under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") has been filed by the petitioner, namely, Govind Arangham, who is presently posted as Inspector, Naharlagun

Police Station, who is apprehending arrest in connection with Itanagar Women P. S. Case No. 85/2023 under Sections 376/420/506 of the Indian Penal Code.

The accusation in this case is that on 18.08.2023 the victim of the case (name not disclosed) had lodged an FIR before the Officer-in-Charge of Women Police Station, Itanagar, *inter alia*, alleging that the present petitioner had committed rape on her by fraudulent mis-representation of promise of marriage and under such dishonest assurance by the present petitioner representing himself as unmarried has established a physical relationship between them.

Though, it is also stated in the FIR that the family members of the first informant/victim initially opposed to the said relationship, however, gradually the said relationship was accepted and informant as well as the present petitioner started living together. It is also stated in the FIR that later on, the informant came to know that the present petitioner is a married man and the informant also met the wife of the present petitioner who also raised no objection in continuation of relationship between the first informant as well as the present petitioner.

It is further stated in the FIR that the first informant continued the relationship with the present petitioner and stayed with him as couple. Some other allegations are also levelled in the FIR, that is during the relationship with the present petitioner, the informant conceived on three occasions but the present petitioner manipulated the informant to get her pregnancy aborted on all those three occasions.

There is also allegation in the FIR that the informant had purchased a land at Lekhi however, the present petitioner by manipulation has taken away the said land from the informant and has manipulated his name in the said sale

deed.

On receipt of the said FIR, Itanagar Women P. S. Case No. 85/2023 was registered.

Learned counsel for the petitioner has submitted that the petitioner was having a consensual relationship with the victim and they stayed together as couple with the consent of his first wife and some discord arose between both the petitioner and the first informant, which also resulted into lodging of an FIR by the present petitioner against the first informant on 16.07.2023, i.e., much prior to lodging of the FIR against the present petitioner.

It is also submitted by the learned counsel for the petitioner that later on the dispute regarding to land at Lekhi arose between the parties and it is only because of the dispute pertaining to land between the parties, the present FIR has been lodged by the victim falsely against the present petitioner.

Learned counsel for the petitioner has also submitted that though the present petitioner is an Inspector of Police, he would co-operate in the investigation and prays for allowing him to go on anticipatory bail.

On the other hand, Mr. J. Tsering, learned Public Prosecutor has produced the case diary of Itanagar Women P. S. Case No. 85/2023, which was called for in connection with this case and has submitted that in the meanwhile, the Investigating Officer of this case, who is also of a rank of Inspector of Police, has recorded the statement of victim under Section 161 of the Cr.P.C., wherein the victim has stated that she stayed with the present petitioner as husband and wife since 2018.

On the other hand, Mr. T. Tagum, learned counsel for the victim/first informant has vehemently opposed the grant of any favourable order under Section 438 of the Cr.P.C. to the present petitioner on the ground that the present petitioner is holding an influential post in police that too of Inspector in Naharlagun Police Station and there is every possibility of his interfering with the investigation. It is also submitted that the petitioner has been interfering in the investigation even before registration of the case on the basis of the FIR which was lodged by the present petitioner. It is also submitted that after filing of the FIR, the present petitioner also sent some unknown person to the present informant to convince her to withdraw the FIR.

I have also considered the material available on record including the case diary of Itanagar Women P. S. Case No. 85/2023.

At the stage of grant or rejection of an application for anticipatory bail, it is always advisable for the Court to avoid detailed discussion of the materials on record, as it may have an effect on the rights of the party during trial. However, considering the contents and tone and tenor of the FIR as well as the facts and circumstances of this case and also considering the fact that the investigation of this case is being conducted by an officer of the rank of Inspector who is not below the rank which is held by the present petitioner, this Court is of the considered opinion that the present petitioner may not be able to influence the Investigating Officer of the case and if the petitioner co-operates with the Investigating Officer in fair completion of this case, his custodial detention may not be necessary.

In view of the submissions made by learned counsel for the petitioner as well as by learned Public Prosecutor, the petitioner, namely, Govind Arangham, is hereby directed to appear before the Investigating Officer of Itanagar Women P. S. Case No. 85/2023 within a period of seven days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation and if he does so, within the stipulated period of time, in the event of his arrest in connection with Itanagar Women P. S. Case No. 85/2023, he shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority with the conditions that:

1. The petitioner shall not directly or indirectly make any inducement, threat, or promise to the victim or any other person who is acquainted with the facts of the case, so as to dissuade him or her from disclosing such facts before the Investigating Officer of Itanagar Women P. S. Case No. 85/2023;
2. That the petitioner shall appear before the Investigating Officer of Itanagar Women P. S. Case No. 85/2023, as and when so required during the pendency of the Itanagar Women P. S. Case No. 85/2023 by the Investigating Officer of the said case.

It is also directed that the Superintendent of Police of Itanagar shall personally monitor the investigation of Itanagar Women P. S. Case No. 85/2023.

With the above observation, this instant anticipatory bail application is hereby disposed of.

Send back the case diary.

Let a copy of this order be furnished to the Superintendent of Police, Itanagar as well as Investigating Officer of the case.

JUDGE

Comparing Assistant