

GAHC010092472023



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

Case No. : AB/1569/2023

ROHIT KARMAKAR
S/O SRI DIGANTA KARMAKAR
R/O DURGABARI ANANDA PARA
TINSUKIA,
P.O., P.S. AND DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K GUPTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

08.06.2023

Heard Mr. A. K. Gupta, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of

pre-arrest bail to the petitioner, namely, **Sri Rohit Karmakar**, apprehending arrest in connection with **Tinsukia P.S. Case No. 231/2023 (G.R. Case No. 506/2023)** registered u/s **376/506** of the IPC r/w Section **6** of the POCSO Act r/w Section **67B** of the I.T. Act.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 04.05.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

The FIR reveals the allegation that the petitioner, with whom the informant's daughter was in relationship from 2017 to 2021, had been mentally and physically torturing her as well as committed forceful sexual intercourse with her when she was aged about 16 years. It has been further alleged that the petitioner also forced her to send obscene photos and videos to him and later on, he made those private photos and videos viral on social media by creating some fake Facebook accounts.

The radiological report shows that the age of the victim girl is between 18 to 19 years. The medical report shows that there are signs of penetration of vagina.

The case diary reveals development of a close relationship between the victim girl and the petitioner, which continued from the year 2019. *Ex facie*, Physical relationships also had taken place frequently between them. In this regard, some written documents were signed between them snapping their relationship. There is prima facie evidence showing that the petitioner allegedly blackmailed the victim girl by taking some objectionable photographs of her and then threatened to make viral in WhatsApp. The FIR came to be lodged on 09.04.2023.

The case diary further shows that the petitioner has appeared before the investigating officer and got his statement recorded under Section 161 Cr.P.C. in terms of the interim pre-arrest bail granted earlier. There is no adverse report against the petitioner from the I.O.

In the backdrop of facts and materials available on the case diary, this Court finds that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted vide order, dated 04.05.2023 is hereby made absolute, subject to the following conditions-

- (i) That the petitioner shall co-operate in investigation as and when required;
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused of commission.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant