

GAHC010104292023



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

Case No. : Bail Appln./1838/2023

PRATAP CHETRY
S/O- SRI RANA BAHADUR CHETRY,
R/O- VILL- MUGASONG,
P.S.- BAITHALANGSO,
DIST- WEST KARBI ANGLONG, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 09.06.2023

Heard Mr. K. Thakur, learned counsel appearing for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner,

namely, **Pratap Chetry** is seeking bail in connection with Jalukbari P.S. Case No. 209/2023 registered under Sections 376/384/354C/420 of IPC.

3. The learned counsel for the petitioner submits that by an FIR dated 09.04.2023 was lodged by the informant, wherein it was alleged that the petitioner had taken an amount of Rs.75,000/- (Rupees seventy five thousand) only and promising her employment. Subsequently, in the month of August, 2022 she was given a job at a private company. But the informant declined to join in the private sector and requested the petitioner to return the amount of Rs.75,000/- (Rupees seventy five thousand) only. It is further alleged that the petitioner called her to an apartment located in Maligaon, Green Park Colony and there he had indulged in a physical relationship with on with the pretext of giving her money back. It is alleged that under compulsion the informant indulged in a physical relationship. Subsequently, she came to be aware that there were cameras installed in the house of the petitioner and he started blackmailing her and demanded her to pay Rs.2,00,000/- (Rupees two lakhs) only otherwise he threatened to upload the videos and share it with the family members of the petitioner. The allegations in the FIR are made against the petitioner and one of his associates.

4. The FIR was received and registered as Jalukbari P.S. Case No. 209/2023 under Sections 376/384/354C/420 of IPC. In the course of the investigation the petitioner was arrested

on 13.04.2023 and since then he has been in custody.

5. The learned counsel for the petitioner submits that the allegations for demand for money etc. are false and upon a bare perusal of the FIR it is revealed that the informant and the petitioner were known to each other earlier. If there were any physical relationship the same was consenting as both the petitioner and the informant are major. Learned counsel for the petitioner submits that further custodial detention is not necessary in the instant case and the petitioner may be released on bail.

6. This Court by earlier order dated 26.05.2023 had called for the case diary. And Mr. B. B. Gogoi, learned Addl. P.P has produced the case diary before this Court as called for.

7. Upon due perusal of the case diary, it is seen that the informant in her 164 statement stated that she had physical relationship with the petitioner. She, however, refused to undergo medical test and an endorsement to that effect is available in the case diary along with the endorsements of the Medical Officer. Investigation is progressed in the matter however, charge-sheet has not yet been filed.

8. Considering the extent of the investigation being carried on and the period of detention undergone, this Court is of the view that although the charge-sheet has not yet been filed, further custodial detention of the petitioner is not required. No materials are also seen to suggest that release of the petitioner on bail at the stage will hamper the investigation.

9. Upon hearing the learned counsels for the parties and upon due perusal of the case dairy and also taking into account the period of detention undergone by the petitioner, this Court is of the view that the prayer for bail made by the petitioner can be allowed.

10. Accordingly, petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Kamrup (M). The bail, granted however, subject to the following conditions:-

- i) The petitioner shall continue to appear before the police and cooperate with the Investigating Officer as and when required, till completion of investigation.
- ii) The petitioner shall not change her residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Kamrup (M).
- iii) That the petitioner shall not hamper or tamper with the investigation in any manner; and
- iv) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing

such facts to the Court or to any police officer in connection to this Police Station Case.

11. If any of the conditions are found to be violated by the petitioner then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

12. With the above direction, the bail petition is accordingly allowed and disposed of.

13. Return the Case Dairy.

JUDGE

Comparing Assistant