

GAHC010122482023



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

Case No. : Bail Appln./1989/2023

HIMANGSHU CHOUDHURY
S/O LATE MRIGEN CHOUDHURY, R/O VILL-SARTHEBARI, CHOUDHURY
SUPA, P.S.-SARTHEBARI, DIST-BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM

Advocate for the Petitioner : MR. M K MISRA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

21.06.2023

Heard Mr M K Misra, learned counsel, appearing on behalf of the petitioner. Also heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam. Also perused the Case Diary.

2. The petitioner, Sri Himangshu Choudhury, who is in jail since 03.05.2023, has preferred this application under Section 439 CrPC, seeking bail in connection with

Tamulpur PS Case No. 100/2023, under Section 67(B) of the Information and Technology Act, 2000, read with Section 14 of the POCSO Act, 2012.

3. The brief facts of the case is that the petitioner and the victim girl were in a love relationship with each other and the petitioner took the victim girl to Guwahati and captured some objectionable video photographs of her and when the victim refused to marry the petitioner, he uploaded those videos and photographs in the social media. Hence, the FIR.

3. Learned counsel for the petitioner has submitted that the accused petitioner has been detained in custody since 03.05.2023 and therefore, has completed 49 days in jail hazot. As the petitioner was in love relationship with the victim girl, so he wanted to marry her, but she got married with another person.

4. It is further submitted by the learned counsel for the petitioner that as the father of the victim girl approached the petitioner seeking an amount of Rs. 1,50,000/-, he paid it to the father of the victim. Under such backdrop, learned counsel submits that considering the period of detention, bail may be granted to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposing to the bail prayer of the petitioner, has submitted that as the petitioner has not completed the mandatory period of detention, so bail may not be granted to him.

6. I have heard the submissions made by the learned counsel for both the parties. I have also perused the Case Diary along with the statement of the victim girl, recorded under 164 CrPC.

7. Considering the submissions made by the learned counsel for both the parties as well as the period of detention, this bail application is allowed. Accordingly, it is hereby directed that the aforesaid petitioner shall be released on bail on furnishing bail bond of Rs. 30,000/- with two sureties of the like amount to the satisfaction of the learned CJM, Baksa, in connection with the aforesaid case. The bail granted to the petitioner shall be

subject to following conditions:-

- (a) The petitioner shall not leave the territorial jurisdiction of learned CJM, Baksa, without prior written permission from him;
 - (b) The petitioner shall not hamper and tamper with the evidence of the case;
 - (c) 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 them from disclosing such facts to the Court or to any police officer.
8. With the aforesaid directions, this Bail Application stands disposed of.
9. Send back the Case Diary.

JUDGE

Comparing Assistant