

GAHC010161882022



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

Case No. : AB/2292/2022

BIJIT HANDIQUE
S/O LATE NANDESWAR HANDIQUE
R/O KUTUHA BALIGAON, P.O. BALIGAON
P.S. BORBORUAH, PIN-785676
DIST. DIBRUGARH, ASSAM
CONTACT NO. 9435106943

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G SAIKIA

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/495/2022

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DIST. DIBRUGARH
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR G SAIKIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 19.01.2023

Heard Mr. D. Baruah, learned counsel for the accused/applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This petition under Section 438 Cr.P.C., is preferred by applicant, namely, **Bijit Handique**, who has been apprehending arrest in connection with Dispur P.S. Case No. 1778/2022 registered u/s 120(B)/153(A)/294(a)/500/506 of IPC read with Section 67 of Information Technology Act, for grant of pre-arrest bail.

The said case has been registered on the basis of one FIR lodged by one Puluk Gohain, State General Secretary, BJP, Assam on 30.07.2022, to the effect that on 29.07.2022, State Schedules Cast Morcha, State Mohila Morcha and Tea Tribe Morcha of Bhartiya Janata Party took out a protest rally for the obscene remark made against the Hon'ble President of India by the leader of the opposition Shri Adhir Ranjan Choudhury of Congress Party and various

video/audio of the said protest programme were telecasted by media. Therefore, one such type of video was downloaded from the media by some unknown culprits and tampered the same and circulated in social media as well as in the other media platform and thereby attempted to promote enmity of a particular community of Assam and tried to create social disturbances and also tried to lower the ideology of Bhartiya Janata Party in the mind of the public.

The learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 22.08.2022, and pursuant to the said order, the applicant has appeared before the IO and his statement is also recorded and he has been co-operating with the investigating agency and further, it is submitted that he has only condemned some of the portion of the video which was made viral on social media and therefore, it is contended to make the interim order dated 22.08.2022 absolute in the same terms and conditions.

On the other hand, Mr. R. J. Baruah, learned Additional PP has produced the case diary before this Court and submits that he has not received the case diary and opposed the petition and as the applicant is already on interim bail, Mr. Baruah contended to grant some more time to produce the case diary before this Court.

At this point of time, the learned counsel for the applicant submits that on five occasion, the learned Additional PP has failed to produce the case diary before this Court. However, Mr. Baruah, learned Additional PP submits that only on two occasion the case diary was called for, i.e. on 31.10.2023 and 02.01.2023.

Be that as it may, in view of the fact that the applicant has appeared

before the IO and that he has been co-operating with the investigating agency and also in view of the nature of accusation and the punishment prescribed for the same, his custodial interrogation in the interest of the investigation seems to be not warranted in this case. Accordingly, this Court is inclined to make the interim order dated 22.08.2022, absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant