

GAHC010161962023



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

Case No. : Bail Appln./2557/2023

PRANAB SUTRADHAR
S/O LT. JAGADISH SUTRADHAR
R/O HAIBARGAON, SANI MANDIR ROAD,
PRAGATIPATH, WARD NO. 4, P.O. HAIBARGAON, P.S. SADAR,
DIST. NAGAON, ASSAM
PIN-782002

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARMAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

17.08.2023

Heard Mr. D. Sarmah, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Pranab Sutradhar**, has prayed for grant of bail in connection with **Bokajan PS Case No. 78/2022 under Section 66D/66E of IT Act added sections**

354A/354C/506/509 IPC R/W Section 67/67A of IT Act.

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

Mr. D. Sarmah, learned counsel appearing for the accused petitioner, submits that the accused petitioner is languishing in judicial custody for 25 days despite the fact that he was earlier arrested over the same facts in connection with Jorhat PS Case No. 2832/2018 and presently, facing trial in corresponding G.R. Case No. 3822/2018 in the court of learned C.J.M., Jorhat. However, based on the complaint of the victim's newly married husband, the accused petitioner is again roped into the case.

Mr. B. Sarmah, learned Additional Public Prosecutor, submits that the case diary reveals sufficient material against the accused petitioner and as such, the bail application may not be accepted.

The case relates to sending nude photos of informant's wife on 31.08.2022 from the fake Facebook account of the accused to the Facebook account of informant's brother.

It is noticed that the accused petitioner has been in judicial custody since 14.07.2023, that is, for 34 days.

A perusal of the case diary reveals that the present accused petitioner had a relationship with the victim, while she was studying in Class X-XII and during this period, they shared photograph of sexually explicit contents. Later on, the victim married another person and the old objectionable photographs were circulated through a fake Facebook account. The accused was earlier arrested in connection with similar crime and presently on trial.

The investigation is yet to be completed.

However, in the above backdrop of facts and evidence so far collected, this Court is of the considered opinion that further continuation of detention of the accused, in the interest of ongoing investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the **learned Sub-Divisional Judicial Magistrate, Bokajan, Karbi Anglong** subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused 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 Police Officer or the Court; and
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant