

GAHC010208302023



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

Case No. : Bail Appln./3315/2023

ANUPAL DUTTA
SON OF SWAPAN DUTTA, RESIDENT OF PANIGAON JYOTI PATH, P.S.
NAGAON IN THE DISTRICT OF NAGAON, (ASSAM)

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 10.10.2023

Heard Mr. S.Nawaz, learned counsel for the petitioner. Also heard Mr. B.Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent and Mr. D. Banerjee, learned counsel for the informant.

2. This petition under Section 439 Cr.P.C., is filed praying for release of the petitioner, namely, **Anupal Dutta** on bail in connection with **Nagaon PS Case**

No.782/2023 under Sections 354/500/509/469 of the IPC r/w Section 67-A of the I.T. Act.

3. It is submitted that an FIR dated 22.08.2023 was lodged by the informant where it is alleged that the informant had uploaded a picture in social media (Facebook) of herself wearing sportswear. After few hours, she found that her picture was being morphed and was circulated and made viral in the social media. The picture of the informant was morphed showing her without any wearing apparels. It is further stated in the FIR that from the data available in Facebook, it is revealed that the morphed picture was uploaded from Nagaon District in the State of Assam.

4. The FIR was registered as Nagaon PS Case No.782/2023 under Sections 354/500/509/469 of the IPC r/w Section 67-A of the I.T. Act and during the course of investigation, the petitioner was taken into custody. Since his date of arrest on 23.08.2023, he has been in custody.

5. It is submitted by the learned counsel for the petitioner that it not clear as to who morphed the picture of the informant. But in any event of the matter, he had fully co-operated with the investigation during his custody and his further custodial detention is not required for the investigation of this case. .

6. This Court by earlier order dated 19.09.2023, had called for the case dairy. And Mr. B. Sarma, learned Addl. P.P has produced the case diary before this Court as called for. The prayer for bail is objected to by the learned counsels appearing for the respondents.

7. The case diary as called for has been produced and has been carefully perused.

8. Upon perusal of the case diary, it is seen that during the investigation, there

are materials available in the case diary which suggest that the petitioner had uploaded the morphed picture of the informant showing her without any wearing apparels. The matter is still under investigation and the charge-sheet has not yet been filed. The allegations made in the FIR are serious against the petitioner. The punishment prescribed under Section 67(A) of the IT Act, 2000 are substantially severe where the punishment may extend to 7 (seven) years and a fine which may extend to 10(ten) lakhs.

9. Considering the gravity of the offences alleged and the stage of investigation read with the punishment prescribed under the relevant sections if charged and convicted, this Court does not find it appropriate to enlarge the petitioner on bail at this stage of investigation.

10. Accordingly, the prayer for bail stands rejected.

11. Return the case diary.

JUDGE

Comparing Assistant