

GAHC040017202024



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

Case No. : BA/125/2024

Baje Fangte
Son of Shri Ralam Fangte, a resident of Silla Village, PO Bana, PS Seppa, East
Kameng District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Takar Bagang, Nabam Kakum, S Tara

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 23.12.2024

Heard Mr. T. Bagang, learned counsel for the applicant. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State.

2. This is an application under Section 483 of the BNSS, 2023 praying for release of the accused, Shri Sunday Fangte, on bail in connection with Seppa Women Police Station Case No25/2024 under Section 64(1) of BNS, 2023.

3. The case, in brief is, that a written FIR was filed on 09.11.2024 before the Officer-in-Charge, Seppa Women Police Station by the victim to the effect that on 09.11.2024, in the evening hours at around 4.00 PM, the accused took her to the jungle for collection of wild berries and vegetables. While they were on the way to the forest, the accused raped her forcefully inside the jungle.

4. On receipt of the aforesaid FIR, the police registered the case being Seppa Women Police Station Case No25/2024 under Section 64(1) of BNS, 2023. Thereafter, the petitioner was arrested on 10.11.2024.

5. The case projected by the applicant on behalf of the accused is that the accused was forced to go with the victim for collection of wild berries despite his resistant. According to the applicant, on repeated request, the accused was convinced to go to the jungle with the victim. It is also contended that the victim had gestured the accused by indicating her desire for sexual intercourse with the accused, which the accused had denied and resisted. However, one Shri Rako Sangdo, aged about 65 years (uncle of the victim) had peeped the confrontation while the victim was seducing and forcing the accused to have sex with her, which was informed to the mother of the victim. The mother of the victim had beaten her for having sex with the married man that too from the same village. It is also stated that the victim has sustained some minor injury on being beaten up by her mother. Accordingly, due to pressure from her parent, the victim has lodged the FIR against the accused person.

6. Mr. T. Bagang, learned counsel for the applicant submits that since the accused was arrested on 10.11.2024 and is co-operating in the investigation and the investigation is supposed to be completed by now and considering that the accused has been falsely implicated on the pressure of the mother of the victim,

the accused, namely, Shri Sunday Fangte may be released on bail.

7. Ms. T. Jini, learned Additional Public Prosecutor for the State has produced the Case Diary.

8. On perusal of the statement of the victim under Section 183(5) of the BNSS, 2023, it reveals that the accused had taken the victim to the firm of one Shri Pegu Sangdo for collection of wild berries (tahmyo). They found lemon tree and had one piece of lemon. By that time, it was about to be dark so she had asked the accused to take her home. Thereafter, the accused had said that they will go by shortcut way to save the time. While he was leading her, she found that it was not the shortcut but the accused was taking her to the dense forest. The accused while walking had sexually advanced towards the victim and despite resistant pushed her down on the ground and despite struggling to free herself, finally the accused had over powered the victim, thereafter, forcefully had sexual intercourse with the victim.

9. Having considered the documents and the statements, as noted hereinabove, and considering the seriousness of the offence alleged to have been committed by the accused, I am not inclined to grant bail to the accused. Accordingly, the bail application is rejected.

JUDGE

Comparing Assistant