

GAHC040017382024



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

Case No. : BA/127/2024

Likha Tado
Son of Likha Kojum, Kugi Toit Village, PO and PS Yachuli, Keyi Panyor District,
Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Likha Kagung, Taba Topu, Tajoy Eru, Tem Pahi, Tokdak Tamin, Arup
Bhatttcharjee

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 23.12.2024

Heard Mr. L. Kagung, learned counsel for the applicant. Also heard Ms. L. Hage, 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 Nilly Likha Tagur, on bail in connection with Itanagar Women Police Station Case No.66/2024 under Section 69/91 of BNS,

2023.

3. The case set-up by the prosecution is that a written FIR was filed on 27.11.2024, by the victim to the effect that she met one Shri Nilly Likha Tagur (the accused herein) through facebook in the year 2021 and eventually developed intimate relationship with him. It is stated that in the month of July, 2024, she got pregnant with the child of the accused and citing financial incapability, he forced her to ingest some abortion pills which he illegally procured. Thereafter, to her utter surprise she came to know through facebook that he married some other woman. Thereby, the accused has induced her to believe that he is going to marry her and had sexual intercourse.

4. On receipt of the aforesaid FIR, the police has registered the case being Itanagar Women Police Station Case No.66/2024 under Section 69/91 of BNS, 2023. The accused had appeared before the I.O. of the case and on 27.11.2024, he was detained, and consequently on 28.11.2024, the accused was arrested.

5. It is the case of the accused person that the accused came to know the complainant through social media and gradually became friend. Being a loyal friend, he has helped and accompanied her whenever she asked, but there was no intimate relationship. In the month of October, 2024, the accused got married with one woman and the complainant has seen the photos of the marriage ceremony through social media. Therefore, out of jealousy she has lodged the FIR against the accused on a concocted and manufactured story.

6. Mr. L. Kagung, learned counsel for the applicant submits that the newly wedded wife of the alleged accused is under mental trauma and she had to be taken to TRIHMS hospital for medical treatment. He submits that, that apart, the mother of the accused is having chronic ulcer. The sudden arrest of the

accused has shocked the newly wedded wife and her ailing mother, which has led to mental trauma and further deterioration of health of the mother of the accused. The daily necessity of his wife and the mother is entirely depended on the alleged accused person. Due to arrest of the accused and languishing in the jail, the wife and the mother of the accused are in verge of starvation.

7. Mr. Kagung, learned counsel further submits that since the accused is languishing in the jail since 27.11.2024, and he is co-operating with the police and the investigation supposed to be completed and considering the nature of allegation, which is false, the accused, namely Shri Nilly Likha Tagur, may be released on bail

8. Ms. L. Hage, learned Additional Public Prosecutor for the State has produced the Case Diary.

9. On perusal of the Case Diary, it reveals that the accused, Shri Nilly Likha Tagur has admitted that he met the informant through facebook in the year 2021 and become friend with her. On being attracted towards her, the accused met the victim and developed physical relationship and they used to meet at Seppa and stayed in the hotel, and also had sexual intimacy in the rented house of the victim's cousin at Lekhi village, Naharlagun. The accused had sexual relationship with the victim, but he had no plan to marry her. When the victim informed him that she was pregnant, the accused has insisted for its abortion, although he called the victim to Naharlagun to consult the Doctor but he did not accompany her to the hospital. However, he reminded her of aborting her pregnancy and accordingly, she had aborted. Again the accused and the victim had met and stayed together in a hotel thereafter, which, *prima facie*, indicates

the commission of offence as alleged.

10. Having considered the materials placed on record and considering that the investigation appears to be not completed, I am not inclined to grant bail to the accused, namely, Shri Nilly Likha Tagur, at this stage.

11. Accordingly, the bail application stands rejected.

JUDGE

Comparing Assistant