

GAHC010005352024



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

**Case No. : Bail Appln./128/2024**

KALPAJYOTI NATH  
S/O- PATIMBOR NATH, VILLAGE- MANGALDOI NAHARBARI, P.S.  
MANGALDOI, DISTRICT- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR

**Advocate for the Petitioner : MR. A M KHAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 23-01-2024**

Heard Mr. A.M.Khan, learned counsel for the applicant and also heard Mr. R. J.Barua, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Kalpajyoti Nath who has been languishing in jail hajot since 04.01.2024, in connection with

Hatigaon P.S. Case No. 03/2024, under Sections 354/506/34 IPC read with Section 67 of IT Act, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Smt. 'X'(name withheld) on 03.01.2023.

The essence of allegation made in the FIR dtd 03.01.2023 is that one Ram Sagar and Babu (Kalpajyoti Nath) took her photograph while she was changing her clothes in her room, and thereafter, Babu called her and threatened to make the aforesaid photograph viral in the social media and asked her to commit sexual intercourse with him and on 02.01.2024 at about 5 P.M, in the evening, he tried to enter into her room and while she raised hue and cry, then he pressed her mouth and also threatened to kill her father.

Mr. Khan, learned counsel for the accused submits that the accused was arrested on 04.01.2024, and since then he has been languishing in jail hajot and that one of the co-accused namely, Ram Sagar, who was also arrested alongwith the present accused and produced before the Court, was granted bail by the learned Court below, on the same day and that the present accused stands on the same footing and that at the relevant time, the accused was not present at the place of occurrence and the allegations made against him are false and therefore, it is contended to allow this petition.

On the other hand, Mr.R.J. Boruah, learned Addl. P.P. has opposed the petition and producing the case diary before this Court, Mr. Baruah submits that in her statement u/s 164 Cr.P.C, the informant has implicated the present accused with the offence alleged and that the investigation is going on and therefore, it is contended to dismiss the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the

case diary with the assistance of Mr. Baruah, learned Addl. P.P.

The case diary indicates that the investigation is going on and the I.O. has collected sufficient incriminating materials against the accused. In view of the materials, collected so far in the case diary, specially the statement of the victim girl recorded u/s 164 Cr.P.C., this Court is of the view that this is not a fit case where the privilege of bail can be granted to the applicant, at this stage.

Accordingly, the petition stands dismissed.

Case diary be returned.

**JUDGE**

**Comparing Assistant**