

GAHC010034262024



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

Case No. : Bail Appln./503/2024

SARAT DAS
S/O SRI BAPAN DAS
R/O VILL- NAZIRAKHAT
RONGMAHAL, P.S. CHANGSARI
DIST. KAMRUP (R), ASSAM
PIN-781030

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PAUL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12-03-2024

Heard Mr. A. Paul, learned counsel for the petitioner as well as Mr. BB Gogoi, learned APP for the State.

2. The petitioner, namely, Sarat Das who was arrested on 10.02.2024 in connection with Changsari PS case no.399/2023 under sections 498A of the IPC

read with section 67A of the IT Act is seeking regular bail by filing this application under section 439 Cr.P.C.

3. It is submitted by the learned counsel for the petitioner, that the accused petitioner and the informant are husband and wife and the relationship between them is not cordial. Though it is stated in the FIR that there was physical and mental torture hurled towards the victim by the petitioner but there is no specific demand of money from the victim by the petitioner. The main allegation against the petitioner is that he uploaded some offensive photos of the informant by using Facebook profile of the informant due to which the informant and his family members felt ashamed of before the public. It is further submitted that two other co-accused already have been released on bail. Considering the fact above, the petitioner may be enlarged on bail.

4. In response, the learned APP, submits that though there is allegation against the petitioner that the victim was physically and mentally tortured by the petitioner but, there is no specific allegation regarding demand of dowry articles/ money from the victim by the petitioner.

5. The learned APP also submits that the main allegation against the petitioner is that some offensive photographs have been uploaded in the Facebook account of the informant by the petitioner.

6. I have considered the submission made by the learned counsel for the parties and also perused the case diary. It appears that substantial part of investigation has been completed. As such further custodial interrogation is not

necessary for the purpose of investigation of the case.

7. In view of the above, this Court is inclined to release the petitioner, named above, on bail on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand only) with one suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup Amingaon.

8. The direction for bail is further subject to the conditions that the accused petitioner:

1. Shall not leave the territorial jurisdiction of learned CJM, Kamrup Amingaon without prior written permission from him/ her.
2. 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 Court or to any police officer.

9. Return the case diary.

10. Bail application stands disposed of.

JUDGE

Comparing Assistant