

GAHC010102862024



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

**Case No. : Bail Appln./1492/2024**

NIPU NATH  
S/O NAREN NATH  
R/O 7 NO. PUB UDALI  
P.S. LANKA  
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE LEARNED PP, GOVT. OF ASSAM

**Advocate for the Petitioner : S AHMED**

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 11.06.2024**

Heard Mr. M. Rahman, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail

by the accused-petitioner, namely, **Nipu Nath**, in connection with **Lanka P.S. Case No. 151/2024**, registered under Section **420/376/506 IPC r/w Section 67 (A) I.T. Act.**

3. The learned counsel for the accused/petitioner submits that the petitioner had lover affairs with the victim girl and with the consent of the victim girl, the petitioner committed physical relationship with her as such, Section 376 IPC is not attracted here in this case. It is further submitted that some obscene photographs have been uploaded by the informant herself through her own mobile phone. It is also submitted that the petitioner is only 20 years of age and his examination is going to be held. The petitioner has been languishing in jail hazot for last 39 days since his arrest on 04.05.2024. Under such backdrop and considering the period of detention, bail may be granted to the petitioner.

4. On the other hand, Mr. Baruah, learned Additional Public Prosecutor has produced the case diary and submitted that the victim girl has implicated the petitioner for commission of offence as alleged in the FIR. He has also opposed in granting bail to the petitioner.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused case diary including the statement of the victim girl recorded under Section 164 Cr.P.C.

6. It appears from the statement of the victim girl, wherein she clearly stated that she accompanied the accused/petitioner in his rented house but subsequently, he committed rape on her by applying force. It also reveals that the petitioner took her obscene photographs and threatened her to upload

the said photographs and under such threatening, he used to commit sexual intercourse with the victim girl.

7. In view of the statement of the victim girl as well as materials available in the case diary, this Court finds that it is not a fit case to grant bail to the petitioner. Accordingly, prayer for bail is **rejected**.

8. Hence, the bail application stands disposed of accordingly.

**JUDGE**

**Comparing Assistant**