

GAHC010104692024



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

Case No. : AB/1387/2024

HIRUMANI ROY
W/O BHABESH ROY, R/O PATACHARKUCHI, P.O. AND P.S.-
PATACHARKUCHI, DIST- BAJALI, ASSAM, PIN-781326

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:DAMANTI KRITANIA
W/O MANI KRITANIA
R/O VILL- RAJAKHAT
P.O.-KUROBAHA
P.S.-PATACHARKUCHI
DIST- BAJALI
ASSAM
PIN-78132

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 28.06.2024

- 1.** Heard Mr. G. Chamuah, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent, who has produced the case diary which was called for in this case.
- 2.** This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioner, namely, Hirumani Roy, who is apprehending his arrest in connection with Pathsala P. S. Case No. 56/2024 registered under Sections 120(b)/370(A) of the Indian Penal Code read with Section 6 of the POCSO Act, 2012.
- 3.** The gist of the accusation in this case is that the mother of the victim girl had lodged an FIR on 17.05.2024 before the Officer-in-Charge of Pathsala Police Station, *inter-alia*, alleging that two unknown persons forcefully raped the daughter of the informant in the rented house of the present petitioner.
- 4.** Learned counsel for the petitioner has submitted that the petitioner is innocent and her only involvement in the offence is that the alleged offence has been committed in her rented premises.
- 5.** On the other hand, learned Additional Public Prosecutor has produced the case diary of Pathsala P. S. Case No. 56/2024 and has submitted that there are incriminating materials in the case diary against the present petitioner which suggests that the present petitioner was running a prostitution racket using her rented premises.
- 6.** I have considered the submissions made by learned counsel for both

the sides and have perused the case diary of Pathsala P. S. Case No. 56/2024

7. Considering the incriminating materials against the present petitioner in the case diary as well as nature of offence involved in this case, this Court is of opinion that this is not a fit case to grant a favourable order under Section 438 of the Code of Criminal Procedure, 1973, to the present petitioner in this case.

8. Accordingly, the prayer for anticipatory bail application in case is hereby dismissed.

9. Send back the case diary.

JUDGE

Comparing Assistant