

GAHC010111272024



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

Case No. : AB/1461/2024

SANJOY DANG
S/O MAJID DANG, R/O NO. 2 MAHMARA, JONAI, P.S.-JONAI, DIST-
DHEMAJI, ASSAM

VERSUS

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

2:SMTI BIRCHATI PAO
D/O SRI KALESH PAO
R/O KAPLANG
MAHMARA
JONAI
P.S.-JONAI
DIST- DHEMAJI
ASSA

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25.07.2024

Heard Mr. D. Medhi, learned counsel for the petitioner. Also heard
Mr. D.P. Goswami, learned Additional Public Prosecutor for the State of

Assam and Mr. S. Ali SK, learned counsel for the respondent No. 2.

By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Sanjoy Dang**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Jonai P.S. Case No. 54/2024 under Section 366/376(1)(2)/506 IPC r/w Section 6 of POCSO Act.

It is submitted by the learned counsel for the petitioner that the petitioner had love affairs with the victim girl but her parents did not like it as such, the present case has been instituted against the present petitioner. It is also submitted that the victim girl is around 18 years of age and she did not implicate the petitioner in this case. Considering the background of the case, the privilege of pre-arrest may be extended to the petitioner.

Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and submitted that the victim girl has not stated anything regarding involvement of the present petitioner in this case. The medical report and birth certificate are available in the record which reveals that the victim girl is more than 17 years 6 months old at the time of incident. However, the interim protection may be granted to the petitioner with a direction to appear before the investigating officer for recording his statement.

The learned counsel for the respondent No.2/informant has no objection if the petitioner is enlarged on bail.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

In her statement under Section 164 Cr.P.C., the victim stated that

she had love affairs with the petitioner and accordingly she went to the house of the petitioner but the mother of the petitioner assaulted her as she wanted to get his son married with another girl.

Considering the facts as well as the documents available in the case diary, this Court finds that that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, the petitioner is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with Jonai P.S. Case No. 54/2024 under Section 366/376(1)(2)/506 IPC r/w Section 6 of POCSO Act, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

- (a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;
- (b) 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.

The anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant