

GAHC010131882024



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

Case No. : Bail Appln./1947/2024

DIJUL SAIKIA @ NIPU SAIKIA
S/O LATE DULU SAIKIA
R/O VILL- DEORAMORA,P.S. NAOBOICHA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.07.2024

- 1.** Heard Ms. A. Medhi, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Dijul Saikia @ Nipu Saikia who

has been detained behind the bars since 06.06.2024 (for the last 44 days) in connection with Basistha P. S. Case No. 411/2024 under Sections 419/420/387/307/506 of the Indian Penal Code.

3. The gist of accusation in this case is that the victim girl lodged an FIR on 06.06.2024 before the Officer-in-Charge of Basistha Police Station, *inter-alia*, admitting that she came into contact with the present petitioner through Facebook and a relationship started between them and the petitioner assured to marry the informant.

4. It is also alleged in the FIR that though the present petitioner introduced himself to be an MBBS Doctor, but actually he is not so.

5. It is alleged in the FIR that the petitioner threatened the victim girl to make viral the video clips of intimate moments of the petitioner and the victim girl in social media and demanded money on that basis from the informant and accordingly, informant paid the petitioner an amount of Rs. 1,50,000/-. There are other allegations made in the FIR, including the threatening to kill by the petitioner made to the informant.

6. Learned counsel for the petitioner has submitted that the allegations levelled against the petitioner in the FIR are not true. She submits that there was, in fact, a romantic relationship between the petitioner and the victim girl and when there was a breakup between them, the victim lodged the false FIR against him. She also submits that the petitioner, while in financial need of money, took some money from the victim girl, which he had already returned.

7. The learned counsel for the petitioner also submits that considering the period of detention already undergone by the petitioner, he may be allowed to

go on bail.

8. On the other hand, an additional public prosecutor submits that though there are some incriminating materials against the petitioner in the case diary, however, the Investigating Officer has recorded the statement of relevant witnesses, including the victim girl as well as the petitioner, and the investigation has fairly progressed.

9. Considering the submissions made by learned counsel for both the sides and also considering the materials available on record, including the case diary of Basistha P. S. Case No. 411/2024 as well as considering the period of detention (44 days) already undergone by the petitioner, this Court is of considered opinion that further custodial detention of the above named petitioner may not be necessary for fair completion of the investigation of Basistha P. S. Case No. 411/2024. If he cooperates with the Investigating Officer. So, in view of above, the above named petitioner is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) Guwahati with following conditions:

- i.** That the petitioner shall co-operate in the investigation.
- ii.** That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

- 10.** With above observation of this bail application is hereby disposed of.
- 11.** Send back the case diary.

JUDGE

Comparing Assistant