

GAHC010138092024



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

**Case No. : AB/1795/2024**

FR. JUSTIN RAJ RL  
C/O MAR IVANIOUS PUBLIC SCHOOL, HARMOTI P.O. MERBIL  
P.S.LALUK( OUT POST- HARMUTTY)  
DIST. LAKHIMPUR, ASSAM-784160  
PHONE NO. 8794891089

VERSUS

THE STATE OF ASSAM AND ANR.  
REPRESENTED BY THE PP, ASSAM

2:NIBEDON TOPPO (INFORMANT)  
S/O LATE SANTOSH TOPPO  
VILL- BISHRAMPUR  
P.S.LALUK  
LAKHIMPUR  
ASSAM  
PIN-78416

**Advocate for the Petitioner : RAJU DEURI**

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

**BEFORE  
HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 25.07.2024**

Heard Mr. R.Deuri, learned counsel for the petitioner and Mr. D.P.Goswami, learned Addl. Public Prosecutor for the State/respondent No.1. Also heard Mr. D.Baruah, learned counsel for the respondent No.2.

This application under section 482 of the Bharatiya Nagarik Surakshya Sanhita, 2023 has been filed by the petitioner, namely **Fr.Justin Raj RL** praying for pre-arrest bail apprehending arrest in connection with **Laluk P.S. Case No. 85/ 2024** under Section 376(3) of the IPC read with Section 6 of the POCSO Act.

Case diary is received

The learned counsel for the petitioner submits that petitioner is the Father of Mar Ivanios Public School, Harmoti wherein the victim was also a student who used to stay in the hostel which is located in the school campus. It is further submitted that the allegation made against the petitioner is totally false and some of the students have given statement that nothing had happened on the date of incident and whatever stated in the FIR is false and concocted. However, the petitioner would co-operate with the investigation and is now ready to appear before the I.O. for recording his statement and as such, the benefit of pre-arrest bail may be extended to the petitioner.

Learned counsel for the informant/ respondent No. 2 submits that

informant has lodged the FIR due to some misunderstanding and the informant has no objection if the petitioner is granted pre-arrest bail.

On the other hand, learned Addl.P.P. has produced the case diary and submits that there is sufficient incriminating materials against the petitioner. The victim has implicated the petitioner that she had been sexually abused by the petitioner. The victim is a minor girl. It is also submitted that the birth certificate of the victim girl reveals that she was around 15 years of age at the time of the incident and as such, benefit of pre-arrest bail may not be considered to the petitioner.

I have perused the case diary including statement of the victim recorded under Section 164 CrPC wherein she stated that she was a student of Mar Ivanios Public School, Harmoti and used to stay in the hostel which is located in the school campus. The petitioner is the Principal of the school and on the date of the incident he asked the victim to come to his room whereby he had sexually abused her. The birth certificate of the victim is available in the record which reveals the date of birth of the victim as 12.11.2009. It transpires that the victim was around 15 years of age at the relevant time of incident.

Considering the above aspects of the matter in its entirety, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

**JUDGE**

**Comparing Assistant**