

GAHC010140502024



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

Case No. : Bail Appln./2111/2024

KANGKAN BARMAN
S/O SRI CHAKRADHAR BARMAN, R/O VILL- RATANPUR (AMERICA
CHOWK), P.S.-TIHU, DIST- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : PP, ASSAM, MR P DAS, MS N BARUAH, MR K J PATHAK

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.08.2024

Heard Mr. N.K. Kalita, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State and Mr. P. Das, learned counsel for the respondent No. 2.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Kangkan Barman**, has prayed for

bail in connection with **Sorbhog P.S. Case No. 84/2024** under Sections 294/376(1)/387/506 IPC r/w Section 66(E) of I.T. Act, 2000.

3. It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 43 days since his arrest on 20.06.2024. The victim is the 22 years old lady. It is also submitted that the petitioner and the victim had love affairs and subsequently they had physical relationship which is consensual and their marriage was also fixed.

4. The learned counsel for the petitioner has further submitted that Section 66(E) of I.T. Act is bailable in nature and as per allegation of demand of money Section 384 IPC may be attracted in this case which is also bailable in nature. As it appears that with the consent of the victim, the petitioner did physical relationship as such, Section 376 IPC is also not attracted herein this case. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

5. Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary and submits that there is sufficient incriminating materials found against the petitioner. As such, bail may not be considered to the petitioner.

6. Mr. Das, learned counsel for the respondent No. 2 has opposed in granting bail to the petitioner.

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

8. It appears from the statement of the victim that she had love affairs with the petitioner and in the month of August, 2023, she along with the accused/petitioner went to a resort and they had physical relationship. Though, the victim made objection in the first time but subsequently, she has made no objection. The other allegation is that the petitioner demanded Rs.2 lakh from the victim; if she fails to give such amount, the obscene photographs/videos of the victim would be made viral through whatsapp and other social app.

9. In view of the allegation made in its entirety and considering the length of detention as well as the nature of offence as alleged in the FIR, this Court is inclined to grant bail to the petitioner.

10. Accordingly, the petitioner, named above, shall be released on bail in connection with **Sorbhog P.S. Case No. 84/2024** under Sections 294/376(1)/387/506 IPC r/w Section 66(E) of I.T. Act, 2000, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned CJM, Barpeta, Assam.

11. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Barpeta, Assam without prior written permission from him/her;

(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;

(c) shall not hamper with the investigation, or tamper with the evidence of the case;

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

12. In the view of the above, the bail application stands disposed of.

13. Send back the case diary.

JUDGE

Comparing Assistant