

GAHC010140722024



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

Case No. : AB/1843/2024

RONUZ DAS @ RONUJ DAS
S/O LATE BIPUL DAS, R/O VILL-RAJA MOIDAM, GOSPURIA ROAD, P.O.-
JORHAT, P.S.-JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BHATTACHARJEE, MS. A BARMAN, MS T BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

31.07.2024

Heard Mr. M. Saikia, learned counsel for the petitioner and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for grant of pre-arrest bail to the accused/petitioner, namely, Ronuz

Das @ Ronuj Das, who is apprehending arrest in connection with Jorhat P.S. Case No.235/2024 under Section 354A/354B/376/511/506 of the Indian Penal Code (IPC).

3. Case diary has been received. Perused the same. Heard both sides.

4. It is submitted by Mr. Saikia, learned counsel for the petitioner that the present petitioner is innocent and some false and concocted allegation has been brought against the present petitioner. It is a fact that he had a discussion with the victim regarding another case, but she lodged the FIR with some false allegation only to harass the present petitioner, who is a social worker and an active member of Lachit Sena. Mr. Saikia further submitted that though the case has been registered under Section 354A/354B/376/511/506 IPC, there is no such allegation to attract all the Sections except Section 354A IPC. Mr. Saikia further submitted that if there is any such incident happened with her, why she did not explain or made the statement in the FIR itself. He further submitted that the accused/petitioner is a responsible person and he will cooperate with the investigation of this case, if he is granted the privilege of pre-arrest bail.

5. Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submitted in this regard that there are sufficient incriminating materials against the present accused/petitioner, specially in the statement made by the victim under Section 164/161 of the Cr.P.C. She described in detail as to what had happened with her on the day of incident. More so, there are other materials available on the record, where from it is seen that she was under trauma after the said incident. Mr. Sarma, accordingly, raised objection and submitted that this is not at all a fit case to extent the privilege of pre-arrest bail to the present accused/petitioner.

6. After hearing the submission made by the learned counsel for both sides, I have also perused the case diary. It is seen that the I.O. has collected sufficient incriminating materials against the present accused/petitioner and the victim specially made a detail description as to what had happened with her on the day of incident and why she was under trauma after the incident. It is a fact that there was an attempt of committing rape on her, but the accused/petitioner was not successful in his attempt as her brother had

arrived immediately after the incident.

7. Considering the entire allegation as well as the materials available in the case diary and also the nature of the offence, I do not find it to be a fit case to extent the privilege of pre-arrest bail to the present accused/petitioner and accordingly, the anticipatory bail application stands rejected.

8. Case diary be returned.

Sd/- *Mitali Thakuria*
JUDGE

Comparing Assistant