

GAHC010157112024



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

Case No. : AB/2052/2024

LAXMAN RAWAT
S/O SRI BEL BAHADUR RAWAT
R/O SARUTARI, SONAPUR
P.S. SONAPUR,
DIST. KAMRUP (M), ASSAM
VERSUS
THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN, MR H ALI

Advocate for the Respondent : PP, ASSAM, MR. I CHOUDHURY(INFORMANT)

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 30.08.2024

Heard Mr. H. Ali, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State of Assam and Mr. I. Choudhury, learned counsel for the informant.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of pre-arrest bail in respect of Sonapur P.S. Case No.138/2024 under Section 351/64/89 of the Bharatiya Nyaya Sanhita, 2023 .

3. A 23 years old married woman fell in love with the petitioner, who is a friend of her husband. The petitioner promise to marry her and on that promise, they had physical relationship on multiple times, they have even video graphed their private moments. The petitioner often came to her house at mid night and had relationship with her.

4. On one occasion, the village defense party also caught them red handed. There was a public meeting on that issue, where the petitioner had put vermilion on her forehead. Thereafter, the petitioner allegedly started to misbehave with her, he also threatened her that he would upload their private videos in Whatsapp and Instagram but he continued to have physical relationship with the said woman.

5. The informant has alleged that she was thrown out of her home on the condition that if she pays an amount of Rs.3,00,000/-, she will be allowed to enter into the house.

6. Mr. Kaushik, learned Additional Public Prosecutor for the State of Assam and Mr. Choudhury, learned counsel for the informant has objected to this bail application on the ground that in the statement of the victim lady that was recorded under Section 164 of the Cr.PC, she has implicated the petitioner.

7. I have considered the submissions made by the learned counsel of both the sides, the informant lady was a consenting party to the act of the petitioner, she was married and after that she expected another man to marry her.

- 8.** This Court is of the opinion that for the allegation brought against the petitioner, he does not deserve to be detained in custody.
- 9.** The prayer of pre-arrest bail application is allowed.
- 10.** The interim bail granted by this Court on 08.08.2024 is made absolute.
- 8.** The petitioner is directed to co-operate with the Police Investigating Officer as and when required.
- 11.** With the aforesaid direction, the bail application stands disposed of.
- 12.** Case Diary shall be returned.

JUDGE

Comparing Assistant