

GAHC010164102024



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

Case No. : AB/2191/2024

GUPESWAR GOGOI
S/O AMRIT GOGOI
R/O DHULIA HABI GAON
P.S. SIVASAGAR,
DIST. SIVASAGAR, ASSAM
PIN- 785640

VERSUS

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

2:PAPIYA DUTTA (INFORMANT)
D/O LATE DHIREN DUTTA
R/O SEWALI PATH HATIGAON
GUWAHATI
KAMRUP (M)
ASSAM
PIN-78103

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : PP, ASSAM, MR I A HAZARIKA (R-2),MR. M HUSSAIN(R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 16-09-2024

Heard Mr. A. Bhattacharyya, learned counsel for the petitioner Sri

Gupeswar Gogoi, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with All Women Police Station Case No. 41/2024 under Sections 354A(1)(i)/354A(1)(ii)/354-D/509 of the Indian Penal Code, 1860.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State and Mr. M. Hussain, learned counsel for the respondent No. 2.

3. The respondents have raised serious objection against the petition with prayer for bail. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against the petitioner.

4. The allegation against the petitioner is that the petitioner who is the boyfriend of the victim's mother had committed sexual assault on the victim.

5. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. The allegations are of grave nature. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

6. Petition is rejected at this stage.

7. In terms of the above observations, this Anticipatory Bail application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant