

GAHC010172972024



2024:GAU-AS:11295

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

Case No. : AB/2239/2024

PORIMAL KUMAR RAY
S/O SUSHIL KUMAR ROY, R/O VILL- NOAHPARA NO. 1, P.S.-MANIKPUR,
P.O.-NOAHPARA, DIST- BONGAIGAON, PIN-783392

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:PRAKASH SARKAR
S/O PROBUDH SARKAR
R/O VILL- NOAHPARA NO. 1
P.S.-MANIKPUR
P.O.-NOAHPARA
DIST- BONGAIGAON
PIN-78339

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS,MS. J GHOSH,MS. U
NANDA,MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM, MS. A LALA(R-2),MRS R BEGUM(R-2),MR P
KATAKI(R-2)

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 20.11.2024

Heard Mr. S. C. Biswas, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State respondent 1 and Mr. P. Kataki, learned counsel for the respondent No. 2

This is an application under Section 482 of BNSS praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Manikpur P.S. Case No. 113/2024, under Section 75 BNS, 2024 *read with* Section 10 of POCSO Act, 2012.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Biswas, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has not committed any such offence as alleged in the F.I.R. He further submitted that the F.I.R. was also not written by the informant himself and the same was written by the police with some exaggerated and concocted story. However, he is ready and willing to appear before the I.O. and to co-operate in the investigation of this case. He further submitted that the informant is also not aware about the statement made in the F.I.R. and accordingly the affidavit is also filed by the informant side wherein it is stated that he has no objection if the bail is granted to the present petitioner.

Mr. Goswami, learned Additional Public Prosecutor, submitted in this regard that there are sufficient incriminating materials available in the Case Diary specially in the statement made by the victim and 2/3 other minor girls under Section 161 as well as 164 Cr.P.C. Accordingly, he raised objection and submitted that it is not at all a fit case wherein the privilege of anticipatory bail can be granted to the accused/petitioner.

Mr. Kataki, learned counsel for the respondent No. 2/informant, submitted in this regard that the informant is not aware about any such incident happened with his daughter and they are the neighbors living peacefully in the society and hence, he has no objection if the anticipatory bail is granted to the present accused/petitioner.

After hearing the submissions made by the learned counsels for both sides and also on perusal of the Case Diary, it is seen that not only the victim, but the other 2/3 minor girls brought same kind of allegations against the present petitioner and it is further alleged that the accused/petitioner was doing all those things repeatedly not only on one occasion but also on several occasion.

In view of above and also considering the materials available in the Case Diary as well as the statement made by the victim, viz-a-viz the other minor girls, I do not find it a fit case to extent the privilege of pre-arrest bail to the present accused/ petitioner at this stage and accordingly the same stands rejected.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant