

GAHC010184982024



2024:GAU-AS:12112

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

Case No. : AB/2411/2024

BAIBHAB BIKASH DAS
S/O NARAYAN CHANDRA DAS, R/O VILL- RAIDONGIA, P.S.-JAJORI, P.O.-
AIBHETI, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate), MR S GAUTAM, MS N
BEGUM, MR. K M MAHANTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Mr. S. Gautam, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner namely, **Sri Baibhab Bikash Das**, son of Narayan Chandra Das, resident of Village-Raidongia, P.S.-Jajori, District-Nagaon has filed this application under Section 482 BNSS, 2023 seeking pre arrest bail in **Jajori P.S. Case No. 19/2024** registered under Sections 341/427/354/384 IPC read with Section 67 of the Information Technology Act.

3. As per the FIR dated 02.05.2024 lodged by the complainant before the Officer-in-Charge of Jajori Police Station, the allegation against the petitioner is that since last 4-5 years, she had a relation with the petitioner. But as since last 2 years she was of the opinion that the petitioner had a different mindset, she did not proceed with their relationship further. But the petitioner uploaded some of their photographs in the social media that were taken during the time of their relationship and thereby mentally harassing her.

4. It is also alleged in the FIR by the complainant that the petitioner had also damaged the Scooter that she received from the Government and torn her cloth and also threatened her to assault her with acid. It was further alleged by the complainant that even her friends have been threatened by the petitioner and even he demanded money from her threatening that if he is not paid with the money, he will made their photographs viral and sent her messages threatening her in various ways. The said FIR of the complainant was registered as Jajori P.S. Case No. 19/2024 under Sections 341/427/354/384 IPC read with Section 67 of the Information Technology Act.

5. Perused the case diary placed before the Court today by Mr. K. K. Parasar, learned Addl. PP, Assam as well as the statement of the complainant/victim recorded under Section 161 CrPC before the police.
6. From the case diary it is also seen that the petitioner after obtaining interim bail in said Jajori P.S. Case No. 19/2024, appeared before the concerned Investigating Officer of the case and his statement have been recorded.
7. The case diary reveals that police have already seized the mobile phone of the petitioner along with the Sim Card by which, he used to upload the intimate photographs of the complaint/victim as well as that of the petitioner.
8. Case diary reveals that during the interaction of the family members of the complainant and the petitioner, he has already deleted the photographs with the complainant and also removed them from social media.
9. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Jajori P.S. Case No. 19/2024. As such, this pre arrest bail application of the petitioner is accepted.
10. Accordingly, the interim pre-arrest bail granted to the petitioner on 12.09.2024 in said **Jajori P.S. Case No. 19/2024** registered under Sections 341/427/354/384 IPC read with Section 67 of the Information Technology Act, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the order dated 12.09.2024 and on compliance of the following conditions that the petitioner –**(i)** shall not hamper with the investigation, or tamper with the evidence of the case; **(ii)** 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 them from disclosing such facts to the Court or to any police officer; **(iii)** shall not threaten the complainant/victim girl or anyone in her family by himself or by others, acting on his behalf and **(iv)** shall not involve himself in any criminal activities in future.

- 11.** Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 12.09.2024, noted above, by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned Jajori P.S. Case No. 19/2024 shall stand automatically vacated.
- 12.** This pre-arrest bail application accordingly stands disposed of.
- 13.** Return the case diary herewith.

JUDGE

Comparing Assistant