

GAHC010185952024



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

Case No. : AB/2401/2024

NAREN TELI
S/O LATE HARINARAYAN TELI
R/O VILL- RONGABAM CHARIALI
P.O. POHUCHUNGI PATHAR,
P.S. KAKOTIBARI, DIST. CHARAIDEO, ASSAM,
PIN CODE- 785691

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R DE, MR. P TELI, MR H DAS, MR. M K SARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

20.09.2024

Heard learned counsel, Mr R De, for the petitioner, Naren Teli, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Kakotibari PS Case No. 12/2024, registered under Sections 75/76/329(4)/115(2) of the BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor, Assam for the

respondent State.

3. I have considered the submissions at the Bar

4. It is submitted on behalf of the petitioner that the allegation is that on 15.08.2024, at about 10:30 am, the petitioner committed sexual assault on the victim and disrobed her and also outraged her modesty. It is submitted that it is not possible that at the peak hours, at around 10:30 am, a person will commit such an offence in a busy area as the informant's house is on the roadside.

5. It is submitted that a false case has been brought up against the petitioner to wreak vengeance as Annexure-2 of the petition clearly reveals that a gift deed was executed by the informant's father in favour of the petitioner's wife. The petitioner's wife is the sister of the informant. As the gift deed was not executed in favour of the informant, a false case has been brought up against the petitioner.

6. I have also scrutinized the Case Diary.

7. It appears that anticipatory bail may be granted to the petitioner.

8. The merits of this case are not brought to the fore as investigation is still under progress. It appears that custodial interrogation may not be required for the progress of investigation.

9. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty

Thousand Only), with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- i) the petitioner shall appear before the IO within one week and cooperate with the investigation,
- ii) the petitioner shall appear before the IO on every fortnight, till completion of investigation,
- iii) the petitioner shall not exercise threats to the witnesses and maintain peace, and
- iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

9.1. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant