

GAHC010188652023



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

Case No. : AB/2947/2023

JEET DUTTA
S/O SRI GAUR DUTTA
A RESIDENT OF WARD NO. 3,
DHUBRI TOWN, P.O. AND P.S. DHUBRI, DIST. DHUBRI, ASSAM-783301

VERSUS

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

2:SRI GANGA TALUKDAR
S/O LATE KALICHARAN TALUKDAR
A RESIDENT OF VILL- JAPARKUCHI
P.O. TERECHIA
P.S. NALBARI
DIST. NALBARI
ASSAM-78133

Advocate for the Petitioner : MR. S SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.02.2024

Heard Mr. S. Sarma, learned Senior counsel assisted by Mr. T.K. Bhuyan,

learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Geetanagar P.S. Case No. 182/2023, under Sections 468/376(1)/506 of the IPC, read with Section 4 of the POCSO Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Jeet Dutta, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Ganga Talukdar on 15.08.2023. The essence of allegation made in the FIR dated 15.08.2023, is that his daughter Smt. X (name withheld) took admission in Gurukul Grammar Senior Secondary School, Geetangar Guwahati, in the year 2023, and she was residing in a PG under the care of Deepamoni Tumung, situated at Geetangar Panipath. But, on 13.08.2023, one Jeet Dutta confined his daughter in Queen Residency Hotel and committed rape upon her and also threatened to make the photographs viral on Facebook if she reported the matter to her family members.

4. Mr. Sarma, learned Senior counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail by this Court, vide order dated 16.10.2023, till receipt of the case diary and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency. Further, Mr. Sarma submits that as per his instruction, the I.O. has completed investigation and submitted charge-sheet and that this application may be disposed of by directing the applicant to appear before the learned Court below.

5. On the other hand, Mr. R.J. Baruah, the learned Addl. Public Prosecutor submits that the I.O., in the meantime, has completed investigation and submitted charge-sheet, being charge-sheet No. 121/2023 dated 27.10.2023

under Sections 468/376(1)/506 of the IPC, read with Section 4 of the POCSO Act.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 21.02.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same, in accordance with law.

7. Till then, interim order dated 16.10.2023 shall stand extended.

JUDGE

Comparing Assistant