

GAHC010198442024



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

Case No. : AB/2559/2024

DIPAK DAS
S/O LATE RAMPADA DAS
R/O VILL- THEKASHU PART-I, NEW DUDHNOI, 2 NO. PATH
P.O. AND P.S. DUDHNOI
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
RPE BY THE PP, ASSAM

2:RINKIMONI THAKURIA
WO HARE KRISHNA BARMAN
VILL- THEKASHU PART-III
P.O. AND P.S. DUDHNOI
DIST. GOALPARA
ASSA

Advocate for the Petitioner : MR. A PARAMANIK, MRS. M D BORUAH, P. KALITA

Advocate for the Respondent : PP, ASSAM, MS P DAS

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

05.11.2024

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr.

D. P. Goswami, learned Additional Public Prosecutor appearing for state respondent No.1 and Ms. P. Das, learned Amicus Curiae appearing for respondent No.2.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Dipak Das**, apprehending their arrest in connection with **Dudhnoi P.S. Case No. 75/2024** registered u/s **75/351 BNS, R/W Section 12 of POCSO Act**.

The Case diary, as called for, is placed before the Court.

It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case, as the parents of the victim has lodged a false case against the petitioner due to some household affairs. Considering the background of the case, benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, the learned Additional Public Prosecutor and the learned counsel appearing for the respondent No.2 have made objection in granting bail to the petitioner by stating that the victim in her statement recorded under Section 183 of BNSS has implicated the accused petitioner that the petitioner had sexually abused the victim.

I have considered the submission of the learned counsel for both the parties and perused the case diary.

On perusal of case diary, it appears that there are sufficient incriminating materials against the petitioner. The victim is a minor girl of 13/14 years and she has been sexually abused by her maternal uncle. Therefore, this Court finds it not a fit case to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant