

GAHC010200342024



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

Case No. : AB/2625/2024

SAILEN RABHA
S/O HABI RAM RABHA
R/O VILL- HADIAPARA
P.O. AND P.S. AGIA
DIST. GOALPARA, ASSAM
PIN NO.783101

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. K K HANDIQUE, MS M BORA, MR H NATH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22.10.2024

Heard Mr. K K Handique, learned counsel for the petitioner and Mr. B Sharma, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely **Sailen Rabha**, S/o Habi Ram Rabha, resident of

Village Hadlapara, P.S. Agia, District- Goalpara, has prayed for his pre arrest bail in connection with Goalpara Police Station Case No. 105/2024 registered under Section 67 of the Information Technology Act, 2000, corresponding to GR No. 762/2024.

3) As per the written FIR of the informant/complainant dated 19.05.2024, some unscrupulous person opened a fake Instagram account in her name and uploaded her obscene photographs in said Instagram account i/d, sending it to all her friends.

4) On seeing such obscene photographs of her by one of her friends, the informant was reported of the same on the morning of 19.05.2024, and then the informant herself looked into it.

5) Aggrieved, the informant lodged the FIR before the authorities of Kharmuza Police Outpost on 19.05.2024, which was registered as Kharmuza Outpost GDE No. 302/2024 dated 19.05.2024, which was subsequently registered as Goalpara Police Station Case No. 105/2024 under Section 67 of the Information Technology Act, 2000.

6) Mr. Sharma learned Additional Public Prosecutor, Assam placed the up-to-date case diary relating to said Goalpara Police Station Case No. 105/2024.

7) It is seen that though notice under Section 35(3) of the BNSS, 2023 was served on the father of the petitioner by the concerned Investigating Officer of the case by visiting his house, but the petitioner did not appear before the police for investigation of the case.

8) Earlier on two occasions, petitioner approached the learned Sessions Judge, Goalpara for his pre arrest bail in said Goalpara Police Station Case No. 105/2024 and on both the occasions, his prayer for pre arrest bail in said Goalpara Police Station Case No. 105/2024 was rejected.

9) Perusal of the case diary reveals sufficient incriminating materials with regard to the involvement of the petitioner, indicating that it is the petitioner who, through his mobile phone, opened the fake Instagram account in the name of the informant and it is also found from the case diary that the said fake Instagram account in the name of the informant, operated by the petitioner, was live, even during enquiry made by the police.

10) Finding sufficient incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant pre arrest bail to the petitioner, namely, **Sailen Rabha**, in said Goalpara

Police Station Case No. 105/2024.

11) Accordingly, this bail application of the petitioner, named above, in the said Goalpara Police Station Case No. 105/2024 stands rejected.

7) Return the case diary herewith.

JUDGE

Comparing Assistant