

GAHC010203462024



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

Case No. : Bail Appln./3003/2024

ANKUR PROTIM BORAH
S/O SRI BIPUL BORAH, R/O RONGDOI, BHOGONIA GAON, P.S.-JORHAT,
DIST- JORHAT, ASSAM

VERSUS

STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:(VICTIM)
D/O SRI ROBIN BORAH
R/O UJONI CHORAIMARIA
HATIGARH
P.S.-JORHAT
DIST- JORHAT
ASSA

Advocate for the Petitioner : MR. R CHETRI, MR. M S BAISHYA, MR N MILI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19-11-2024

Heard Mr. R. Chetri, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Sri Ankur Protim Borah**, son of Sri Bipul Borah, resident of Rongdoi, Bhogonia Gaon, P.S.-Jorhat, District-Jorhat has filed this application under Section 483 BNSS, 2023, seeking bail in **Jorhat P.S. Case No.333/2024** corresponding to G.R. No. 529/2024 registered under Sections 351(4)/77 of BNS, read with Section 67/67(A) of the IT Act, 2000, read with Section 4 of the POCSO Act, 2012, wherein, he was arrested on 22.08.2024 and in custody since then.

3. As per the FIR dated 19.08.2024 lodged by the informant/victim before the Officer-in-Charge of Jorhat Police Station, the case is that the informant was in relationship with the petitioner from June, 2024 to July, 2024. During their relationship, the petitioner recorded an intimate video of the informant without her consent and after their break-up, the petitioner shared that video on social media amongst their mutual friends, thereby, causing her immense emotional trauma and humiliation. After sharing of the video of the victim, she is receiving threatening and harassing messages and for which she is feeling unsafe and insecure.

4. On instruction of the Investigating Officer of said Jorhat P.S. Case No.333/2024, Mr. Sarma, learned Addl. PP submitted that till date, police has not filed the charge-sheet in the case.

5. Since 22.08.2024, the petitioner is in custody for about 90 days. In view of the above, the petitioner is entitled for his default bail in said Jorhat P.S. Case No.333/2024.

6. Accordingly, the petitioner, namely, **Sri Ankur Protim Borah**, son of Sri Bipul Borah, is granted default bail in said Jorhat P.S. Case No.333/2024 on furnishing a bail bond of Rs. 50,000/- with two local sureties of the like amount,

to the satisfaction of the learned Special Judge (POCSO), Jorhat on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Jorhat P.S. Case No.333/2024 as and when he is required for necessary investigation of said Jorhat P.S. Case; **(ii)** shall not leave the territorial jurisdiction of said Jorhat Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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; **(v)** he shall not involve himself in any criminal activities and **(vi)** shall not threat the minor victim girl or anyone in her family by himself or by others, acting on his behalf.

7. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sri Ankur Protim Borah**, the bail granted to him in said Jorhat P.S. Case No.333/2024 shall stand automatically vacated.

8. The bail application accordingly stands disposed of to the extent above.

9. Return the case diary.

JUDGE

Comparing Assistant