

GAHC010234552024



2024:GAU-AS:12853

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

Case No. : AB/2962/2024

SRI AMRIT ADHIKARI
S/O ANIL ADHIKARI,
R/O VILL- KALDOBA PART-I, P.O. AGOMANI, P.S. AGOMANI,
DIST. DHUBRI, ASSAM
PIN-783335

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : Ms. R. R. BORAH, MR. A A R KARIM, MS G.PURI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

17-12-2024

Heard Mr. A A R Karim, learned counsel for the petitioner. Also heard Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under section 482 BNSS, 2023, the petitioner, namely, **Sri. Amrit Adhikari**, son of Anil Adhikari, resident of village-Kaldoba Pt-I, P.S.-Agomani, District-Dhubri has prayed for his pre-arrest bail in **Kachugaon Police Station Case No. 15/2024** registered under Sections 354(A)/354(C)/506/ IPC read with Section 66E/67A of the IT Act, corresponding to G.R. No. 140/2024.

3. As per the FIR dated 21.07.2024 lodged before the Officer-in-Charge of Kachugaon Police Station by the informant, the case is that about two years back the petitioner along with another forcefully took nude pictures of his daughter who is 18 years old now and 2-3 days back her such obscene pictures have been found available in Whatsapp. In the said FIR, it is also indicated that the other person already died long back in a bike accident.

4. Accordingly, Kachugaon Police Station Case No. 15/2024 was registered under Sections 354(A)/354(C)/506/ IPC read with Section 66E/67A of the IT Act, corresponding to G.R. No. 140/2024.

5. Mr. K K Parashar, learned APP, Assam has placed the relevant case diary before the Court.

6. On perusal of the case diary, it is seen that the statement of the victim under Section 183 BNSS was recorded on 25.07.2024 by the learned Sub-Divisional Judicial Magistrate, Gossaigaon and in her statement before the learned Magistrate, the victim girl clearly implicated the petitioner who forcefully while trying to commit rape on her took such obscene photographs of her.

7. Finding such incriminating materials in the case diary regarding the involvement of the

petitioner in the alleged crime, this Court is of the view that this is not a fit case to grant pre-arrest bail to the petitioner, namely, **Sri. Amrit Adhikari**, son of Anil Adhikari, in said Kachugaon Police Station Case No. 15/2024, corresponding to G.R. No. 140/2024.

8. Accordingly, this pre-arrest bail applicant stands rejected.

9. Return the case diary herewith.

JUDGE

Comparing Assistant