

GAHC010239012024



2024:GAU-AS:12213

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

Case No. : Bail Appln./3478/2024

UTSAV NATH AND ANR
S/O LATE DHIRAJ MOHAN NATH
R/O SALTARI
P.S. BILASIPARA
DIST. DHUBRI, ASSAM
PIN NO. 783348

2: RUPAM NATH
S/O RAJANI KANTA NATH
R/O NARABARI
P.S. KOKRAJHAR
DIST. KOKRAJHAR
ASSAM
PIN NO. 78337

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. JYOTIRMOY ROY, N AHMED, MR B P SARMAH, MR D DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

03-12-2024

Heard Mr. J. Roy, learned Senior Counsel assisted by Ms. N. Ahmed, learned counsel for the petitioners and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483(1) BNSS, 2023, the petitioners, namely, **(1) Utsav Nath**, son of late Dhiraj Mohan Nath, resident of Saltari, Police Station- Bilasipara, District-Dhubri and **(2) Rupam Nath**, son of Rajani Kanta Nath, resident of Village-Narabari, Police Station-Kokrajhar, District-Kokrajhar is seeking bail in **Gossaigaon P.S. Case No. 179/2024** registered under Sections 61(2)/308(2)/351(2) of the BNS, 2023, corresponding to G.R. No. 203/2024, wherein they were arrested on 30.10.2024 and in custody since then.

3. As per the FIR dated 30.10.2024 lodged by the complainant before the Officer-in-Charge of Gossaigaon Police Station, the case is that for the last 20-25 days the complainant is receiving threatening phone call from unknown individuals and blackmailing him claiming to possess obscene photograph of his daughter. On 21.10.2024, the complainant received threatening letter from unknown person that was received by his sister-in-law, carried in a parcel and when the said parcel was opened by his sister-in-law, she found a threatening letter inside an envelope. On 23.10.2023, he received a phone call from a concerned mobile number asking him to give Rs.5,00,000/- in exchange for not making those obscene photographs viral in the internet. Accordingly, the said FIR of the complainant dated 30.10.2024 was registered as Gossaigaon P.S. Case No. 179/2024 under Sections 61(2)/308(2)/351(2) of the BNS.

4. Perused the case diary placed before the Court today by Mr. K. K. Parasar,

learned Additional Public Prosecutor, Assam.

5. From the case diary, it is seen that during investigation of the case, both the petitioners who were arrested on 31.10.2024, are close relatives of the complainant. During investigation it was found that the petitioners are involved in uploading the obscene photographs of the daughter of the complainant and also involved in transferring such photographs to various mobiles of their friends.

6. From the case diary, it is seen that police have already recovered the mobile phones along with Sim cards used by the arrested accused persons and that their voice samples have also been recorded and sent to the FSL for its necessary examination and report.

7. Considering such progress in the investigation of the case, the Court is of the view that further custodial detention of the petitioners is not warranted for investigation of said Gossaigaon P.S. Case No. 179/2024. As such, this bail application of the petitioners is accepted.

8. Accordingly, the petitioners, namely, **(1) Utsav Nath** and **(2) Rupam Nath** shall be released on bail in said **Gossaigaon P.S. Case No. 179/2024** on furnishing a bail bond of Rs. 50,000/- each with two local sureties each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kokrajhar on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Gossaigaon P.S. Case No. 179/2024 as and when they are required for necessary investigation of said Gossaigaon P.S. Case; **(ii)** shall not leave the territorial jurisdiction of said Gossaigaon 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)** shall not involve themselves in any criminal activities and **(vi)** shall not threat the

victim girl or anyone in her family by themselves or by others, acting on their behalf.

9. Any violation of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in said Gossaigaon P.S. Case No. 179/2024 shall stand automatically vacated.

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

11. Return the case diary.

JUDGE

Comparing Assistant