

GAHC010256332024



2024:GAU-AS:12360

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

Case No. : Bail Appln./3678/2024

SRI CHINMOY KALITA
S/O LT. TARUN CH. KALITA
PERMANENT RESIDENT OF VILL- PACHGUI UNDER CHHAYGAON POLICE
STATION, IN THE DISTRICT OF KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR D TALUKDAR, MS P SAIKIA, MS B GOSWAMI, MR P
CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06.12.2024

Heard Mr. D Talukdar, learned counsel for the petitioner and Ms. N Das, learned
Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Sri. Chinmoy Kalita**, son of late Tarun Ch. Kalita, resident of
village-Pachgumi, P.S.-Chhaygaon Police Station, District-Kamrup, has filed this application
under Section 483 BNSS, 2023, praying for his release on bail in Palashbari Police Station

Case No. 468/2024 registered under Sections 75(1)/294(2)(b)/79 of BNS, 2023 read with Section 67 of the Information Technology Act, corresponding to G.R. No. 1413(K)/2024, in which he was arrested on 21.11.2024 and is in custody since then.

3. As per the FIR of the case lodged by the elder brother of the victim girl on 19.11.2024 before the Officer-in-Charge of Palashbari Police Station, the case is that the petitioner induced his sister on the pretext of love affair who is a minor, asking her to make nude video of her and to send it to him. Accordingly the minor sister of the informant forwarded a nude vide of her to the petitioner and after receiving the same in his mobile, the petitioner made the nude video viral.

4. Accordingly, the said FIR dated 19.11.2024 was registered as Palashbari Police Station Case No. 468/2024 under Sections 75(1)/294(2) (b)/79 of BNS, 2023 read with Section 67 of the IT Act, against the petitioner.

5. Perused the case diary placed before the Court today by Ms. N Das, learned APP, Assam.

6. It is seen from the case diary that the statement of the minor victim who is of 13 years of age has been recorded under Section 183 BNSS by the learned Judicial Magistrate First Class, Kamrup on 21.11.2024. Further, the authorities of the Child Welfare Committee, Kamrup, Amingaon, Office of the District Child Protection Officer also recorded her statement on 21.11.2024.

7. Police have already seized three mobile handsets, one from which the minor victim forwarded the nude video to the petitioner, another from the petitioner and the 3rd one from a witness who received it from the petitioner.

8. Considering such materials in the case diary and the age of the accused petitioner who is 19 years old, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Palashbari Police Station Case No. 468/2024. As such, this bail application is accepted.

9. Accordingly, the petitioner, namely, **Sri. Chinmoy Kalita**, son of late Tarun Ch. Kalita, be released on bail in said Palashbari Police Station Case No. 468/2024, on furnishing bail

bond of Rs. 50,000/-, with two local sureties each of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon on conditions that the petitioner —

- (i) shall appear before the concerned Investigating Officer of said Palashbari P.S. Case No. 468/2024 **on or before 10.12.2024**, and also as and when he is required for necessary investigation of the said case;
- (ii) shall not leave the territorial jurisdiction of Palashbari Police Station without obtaining prior written permission from the concerned I.O. of the case;
- (iii) shall not hamper 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 and
- (v) shall not threaten the victim girl or anyone in her family by himself or by others, acting on his behalf, in any manner.
- (vi) shall not involve himself in any criminal activities.

10. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sri. Chinmoy Kalita**, the bail granted to him in said Palashbari P.S. Case No. 468/2024 shall stand automatically vacated.

11. With the above observations and directions, this bail application accordingly stands disposed of.

JUDGE

Comparing Assistant