

GAHC010270042023



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

**Case No. : AB/4079/2023**

MONTE ROY @ MONTE RAY  
S/O PARFULLYA ROY  
R/O VILL- BASHBARI, P.S GOSSAIGAON OF DISTRICT KOKRAJHAR,  
ASSAM

VERSUS

THE STATE OF ASSAM  
TO BE REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR A W AMAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**11.03.2024**

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure, 1973, filed by the petitioner, namely, Monte Roy@Monte Ray for granting of pre-

arrest bail to the accused petitioner, who is apprehending his arrest, in connection with P.R.C. No. 116/2023 registered under Section 366/376 of the Indian Penal Code, 1860 in connection with Gossaigaon P.S. Case No. 69/2020 registered under Section 342/448/420/366/376 of the IPC.

The case of the prosecution is that on 11.02.2020, while the informant's husband was absent in the house, the petitioner illegally trespassed into her house and by engaging her in enticing conversation, expresse desire to take her out to Gossaigaon Railway Station.

Subsequently, he forcefully confined her in an auto rickshaw, kidnapped her and transported her to Shrirampur and from Shrirampur, he took her to the village of Shalbari Nagar in the coach Bihar district of west Bengal and thereafter, he brought her to an associate's house where they spent the night.

It is further alleged that in the night he forcefully restrained her and raped her.

It is further stated that she overheard the conversation of the petitioner with a women trafficker over the phone to sell her. Accordingly, a case was registered.

Mr. S. Das, learned counsel for the petitioner submits that the actual facts of the case are that over the course of the past two years, the accused petitioner and the informant shared a relationship extending beyond their friendship.

He further submits that the petitioner and the informant engaged in regular communication and had contemplated eloping and living together. Several dates prior to their elopement the informant expressed desire to cohabit with the petitioner.

He further submits that as per the said plan, she on her own will had gone

with the petitioner.

Mr. K.K. Parasar, learned Additional Public Prosecutor, on the other hand, strongly opposes the prayer for bail.

He further submits that it appears from the statement of the informant recorded under Section 164 Cr.P.C. that she fully corroborates the version given in the FIR.

He further submits that she clearly implicates the petitioner of the alleged offence.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that there are sufficient materials on record implicating the petitioner. Investigation is at an active stage. As such, this court is of the considered view that the petitioner is not entitled for release on anticipatory bail at this stage.

Accordingly, the prayer for anticipatory bail stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

**JUDGE**

**Comparing Assistant**