

GAHC010284322023



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

Case No. : Bail Appln./4598/2023

UGYEN WANGCHUK
S/O LATE D. TSHERING
VILL- TABA
P.S. THIMPHU
DIST. THIMPHU (BHUTAN)

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.01.2024

- 1)** Heard Mr. A. K. Azad, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.
- 2)** This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Ugyen Wangchuk, who has been detained behind the bars since 05.11.2023 (for last 66 days) in connection with Tamulpur Case No. 258/2023 under Section 354(A)/376 of the Indian Penal Code.

3) The gist of the accusation against the petitioner in this case is that the victim of this case had lodged an FIR on 04.11.2023 before the In-Charge of Darranga Mela Police Outpost under Tamulpur Police Station, *inter-alia*, alleging that on 03.11.2023 when the first informant was travelling to Bhutan along with the present petitioner in his vehicle he offered the first informant some medicines when the first informant felt bad and thereafter he forcefully inserted his fingers in the private parts of the first informant and touched the breast of the first informant.

4) Learned counsel for the petitioner has submitted that the allegations levelled in the FIR against the petitioner is not true and the real fact is that the first informant was engaged to work as house made in the house of the present petitioner and an advance amount of Rs. 40,000/- was paid, however when the informant refused to work further, the repayment of said amount was sought for by the petitioner and therefore, the false information has been alleged against the present petitioner.

5) On the other hand, learned Public Prosecutor has produced the case diary of Tamulpur P. S. Case No. 258/2023 and has submitted that there are implicating materials against the present petitioner in the case diary.

6) However, the Investigating Officer has also in the meanwhile recorded the statement of the relevant witnesses including the victim girl.

7) I have gone through the submissions made by the learned counsel for the petitioner as well as by the learned Additional Public Prosecutor and have

gone through the materials on record including the case diary of Tamulpur P. S. Case No. 258/2023 though there are incriminating material on record against the present petitioner, however, considering the fact that the petitioner has been detained behind the bars for last 66 days and considering the progress of investigation already made in the meanwhile, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation.

8) In view of the above, the petitioner, namely, Ugyen Wangchuk, is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Baksa with the following conditions:

- i. That the petitioner shall cooperate in the investigation.
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

With the above observation, this bail application is accordingly disposed of.
Send back the case diary.

JUDGE

Comparing Assistant