

GAHC010286002023



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

**Case No. : AB/4275/2023**

BIPUL CH RABHA  
S/O LATE LABI RABHA  
R/O VILL- MOJEBARI, BOKO  
P.O. PACHIA, P.S. BOKO  
DIST. KAMRUP, ASSAM  
PIN-781135  
CONTACT NO. 9085540688

VERSUS

THE STATE OF ASSAM AND ANR  
REP. BY THE PP, ASSAM

2:ANITA RABHA  
W/O PRASANTA RABHA,R/O VILL- MOJEBARI  
BOKO ,P.O. PACHIA, P.S. BOKO  
DIST. KAMRUP, ASSAM ,PIN-78113

**Advocate for the Petitioner : MR H C DAS**  
**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 30-01-2024**

Heard Mr. H. C. Das, learned counsel for the applicant and also heard Mr. B. B. Gogoi, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Boko P.S. Case No. 523/2023, under Sections 354/352 IPC read with Section 8 of the POCSO Act, this application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Bipul Ch. Rabha, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR, lodged by one Anita Rabha on 2.11.2023.

The essence of allegation made in the FIR dtd. 2.11.2023 is that her daughter Smt 'X' (name withheld) aged 14 years, studying at Class-VII and for last three months, accused Bipul Rabha has been subjecting her to sexual harassment by touching her private parts and on 31.10.2023, while she has visited the house of the accused then he tried to commit indecent works upon her.

The learned counsel for the applicant submits that the allegation leveled against the applicant in the FIR are false and that there is delay in lodging the FIR and out of personal grudge, the informant has lodged the case falsely against the applicant and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Gogoi, learned Addl. P.P. has produced the case diary before this Court and submits that the statement of the victim girl and of the informant recorded u/s 161 Cr.P.C. indicates that she has not supported the facts mentioned in the FIR.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record. It is to be mentioned here that notice was issued to the respondent No.2 and the same was served upon her on 25.1.2024, as per the report collected by learned Addl. P.P., but today she remains unrepresented.

In view of the materials collected so far in the case diary as well as the submission of learned Advocates of both sides, custodial interrogation of the applicant seems to be not warranted herein this case and therefore, this Court is inclined to allow this petition. Accordingly, it is provided that in the event of arrest of the applicant, in connection with Boko P.S. Case No. 523/2023, under Sections 354/352 IPC read with Section 8 of the POCSO Act, the applicant shall be released on pre-arrest bail on his executing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
2. That the applicant 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 him from disclosing such facts to the Court or to any police officer; and
3. That the applicant shall not leave the jurisdiction of the learned Judicial Magistrate Ist Class, Boko, without prior permission.

**JUDGE**

**Comparing Assistant**