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

Case No. : AB/2329/2026

BHABJIT DAS
S/O JOYHORI DAS, RESIDENT OF BALAHI, P.O. AND P.S. GHILAMARA, DISTRICT LAKHIMPUR, ASSAM,

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR, R L CHUTIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05-10-2026

Heard Mr. A. Khanikar, learned counsel for the accused applicant. Also heard Mr. M.P. Goswami, learned Addl. P.P. Assam appearing for the State.

This is an application filed under Section 482 BNSS, 2023 praying for granting of pre-arrest bail to the accused applicant, in connection with Ghilamara P.S. Case No.

46/2026, registered under Sections 329(4)/ 74/ 75(2) of BNS, corresponding to G.R. Case No. 109/2026.

An FIR was lodged on 05-09-2026 to the effect that on 03-09-2026 at about 06:30 p.m. the accused applicant informed the complainant over mobile phone that he has possessed some secret nude photographs relating to her and asked her to meet him immediately, otherwise he would make the said photographs' viral. It is alleged that he also threatened that her minor children will be kidnapped, if she did not meet him. However, she refused to meet him. Again on 04-09-2026, the accused applicant came to her house at 10:30 p.m. and tried to rape her. When she made hue and cry the neighbours apprehended him.

On receipt of the FIR, police registered Ghilamara P.S. Case No. 46/2026 under the aforementioned section.

The learned counsel appearing for the accused applicant submits that the accused applicant had, infact, gone to her house on her invitation but he did not try to commit rape on her. He further submits that though he did have photographs with him, he wanted to discuss the photographs with her, which he got from somebody else, but he never tried to rape her. He further submits that he is willing to cooperate with the investigation and therefore, he should be protected, at this stage.

The case diary in the instant case has been received and this Court perused the same.

Mr. M.K. Goswami, learned Addl. P.P. Assam opposes the prayer for pre-arrest bail.

Taking into account the allegations made in the FIR, as well as the preliminary investigation done by the Police in the instant case, and also of the fact that two different versions are coming from the same set of facts, this Court is of the considered view that the accused applicant should be granted pre-arrest bail, at this stage.

Accordingly, it is directed that, in the event of arrest, the accused applicant, *viz.* Bhabjit Das, shall be released on the pre-arrest bail on furnishing of bail bond of Rs. 20,000/- with the surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

(i) The accused applicant shall appear before the Investigating Officer within a period of 10 days from today.

(ii) The accused applicant shall cooperate with the investigation and make himself available as and when called for by the Investigating Officer.

(iii) The accused applicant shall not tamper or hamper in the investigation in any manner, whatsoever.

In terms of the aforesaid conditions, the present A.B. application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant