GAHC010231762026

2026:GAU-AS:16544

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

Case No. : AB/2675/2026

UJAY GURUNG ALIAS UDAI GURUNG ALIAS UDAY GURUNG
S/O AMBER BAHADUR GURUNG
R/O- No.2 RAMPUR, P.S.- LEKHAPANI, DISTRICT - TINSUKIA , ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MR S K CHHETRY,MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

11.11.2026

Heard Mr N Uddin, learned counsel for the petitioner. Also heard Mr K K Parashar, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Lekhapani PS Case No. 61/2026, under Sections 61(2)/70(1)/351(2) of the BNS, 2023.

3. The First Information Report in connection with which the petitioner is apprehending arrest, was lodged on 21.08.2026, by the victim herself stating *inter alia,* that she was called up by a lady namely Anita Ray to her residence for celebrating her birthday, and that the petitioner along with 4 other persons served her with some juice and that she became unconscious thereafter. She further stated that the said Anita Ray lay her on the bed and all the four persons, including the petitioner had raped her. She also stated that when she gained her sense on the next morning, she felt pain in her private parts and the said Anita Ray threatened her not to disclose the incident. She also stated that, thereafter, she went with Anita Ray to Arunachal Pradesh and that later, the villagers came to know about the incident and the FIR was lodged.

4. The learned counsel for the petitioner submits that the story narrated in the FIR is a concocted story and that even the birthday party was not there at the place of Anita Ray.

5. On the other hand, Mr K K Parashar, the learned Additional Public Prosecutor for the State, however, submits on perusal of the Case Diary that one of the witnesses had stated that upon hearing the incident, when he consulted with the father of the victim, the father said that he being poor will not lodge any FIR and that a village meeting was held thereafter, and in the meeting although there were suggestions for compromise, but no compromise was entered into and the FIR was lodged. He has also placed the statements of the independent witnesses, who had stated that they gathered in the public meeting, wherein it was resolved that the incident was true, and the settlement was tried

to be entered into, but the same did not happen.

6. Upon consideration of the submissions made by the learned counsel, more so, in view of the fact that the victim after the alleged incident, had gone with said Anita Ray to Arunachal and also due to the fact that she tried to enter into a settlement too, this Court deems it fit that the petitioner be released on pre-arrest bail on furnishing a bail bond of Rs. 20,000/-, with one local surety each to the satisfaction of the arresting authority, under the following conditions:-

i) the petitioner shall appear before the Investigating Officer within 15 (fifteen) days from the date of the order;

ii) the petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

iii) the petitioner shall not leave his residence without prior permission of the Investigating Officer.

7. Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant