

Cri. Misc. (B) Case No. 473/2020

ORDER

22-09-2020

This bail application has been filed under Section 439 CrPC for accused Sri Pranjit Gowala in connection with Naharkatia PS Case No. 141/2020 under Sections 120-B/368/376/507.

Heard learned Advocates for both the sides.

The allegation as per the FIR dtd. 11-08-2020 of Smt. Rekha Garh is that some days back, Sri Pranjit Gowala recorded some obscene videos of her daughter and made it rival. It is also alleged that the accused threatened her daughter and also with false promise to marry, induced the informant's daughter to elope with him, confined her on some unknown place and had physical relationship with her daughter. On 10-08-2020, her daughter was recovered.

Learned Advocate Mrs. Bulli Dowarah Gogoi for the accused submitted that the informant and the accused were in relationship and stayed together as husband and wife for one month and as the accused refused to marry immediately as of now, having his problems, a false allegation has been made against the accused. It is also submitted that the accused is only 25 years of age and not in a position of marry as of now. Further submission is that the accused is poor for which the parents of the girl is against the relationship and to deter the accused, cases have been filed against him.

Learned Advocate draws to Cri. Misc. (B) Case No. 474/2020 fixed today for bail wherein the same accused has been implicated for making some obscene videos of the informant in mobile phone No. 8399002825 and posted the videos in the social media, causing mental cruelty to the informant. That the FIR was registered as Naharkatia PS Case No. 133/2020 under Sections 509 IPC read with Section 67-A IT Act.

CD of both the case records were called for.

Gone through both the CDs.

Two mobile handsets were seized from the accused. Nokia mobile handset and Airtel SIM No. 8399002825 whereas other handset Vivo mobile handset did not have any SIM card.

CD reveals after 11-08-2020, no further investigation has been done. No obscene photographs recovered and no report received regarding the contents of the mobile phone or the Pen drive seized. The allegation as per the FIR dtd. 28-07-2020 of Mrs. X in Naharkatia PS Case No. 133/2020 is that since last two days, Sri Pranjit Gowala made some obscene videos of her in mobile phone No. 8399002825 and posted the videos in the social media, causing mental cruelty to the informant.

The statement of the victim girl was recorded on 11-08-2020 in connection with Naharkatia PS Case No. 141/2020 wherein she mentioned of having a love affair with the accused and going with him and also mentioning about physical relationship. They remained in the house of the relative of the accused for some days till 10-08-2020. She is silent about any such recording of obscene videos, except about some video tricks, whereas in Naharkatia PS Case No. 133/2020, she stated of making her some nude video viral. The victim girl is about 21 years of age. The accused is in custody from 11-08-2020.

In view of the facts and circumstances of the case, as discussed above and period of detention, further detention of the accused is not felt necessary. Hence, accused Sri Pranjit Gowala is allowed to go on bail of Rs. 20,000/- with a suitable surety of like amount in connection with Naharkatia PS Case No. 133/2020.

Return the CD along with a copy of this order.

Misc. case stands disposed off.

Let a copy of this order be released as certified to be true copy under the signature of the Bench Assistant.


Ses. Judge,
Dibrugarh