

AB 5097/2012

BEFORE

HON'BLE MR. JUSTICE A.C. UPADHYAY

This is an application filed under Section 438 CrPC seeking release of the petitioner, namely, Lohit Kutum @ Rajat Kutum, on pre-arrest bail in connection with Jonai PS Case No.91/2012 under Section 341/323/366/420/506/34 of IPC r/w Section 66(A) of IT Act.

Perused the case diary and materials on record.

Heard Mr. A. Choudhury, learned counsel for the petitioner and Mr. BS Sinha, learned Addl. Public Prosecutor.

The FIR was lodged alleging kidnapping of the victim and publication of offensive materials in the social web site.

Learned counsel for the petitioner submits that the photograph published in the web site are relating to the marriage ceremony between the petitioner and according to the learned counsel for the petitioner the victim after their elopement in terms of the customary practice of the tribal community got married with the victim. Learned counsel submits that the petitioner has already joined the investigation and has given his statement in connection with the case.

Apparently, the petitioner has joined the investigation and his statement has already been recorded by the I/O of the case.

In view of above, I am of the considered opinion that custodial interrogation of the petitioner in connection with the case, may not be necessary at this stage of investigation.

Accordingly, it is provided that in the event of arrest of the petitioner, Lohit Kutum @ Rajat Kutum, in connection with the aforesaid case, he shall be released on bail of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting authority on condition that the petitioner shall appear before the I/O of the case, as and when required.

Bail application stands disposed of.