

**Present Mr. C. B. Gogoi, Sessions Judge,
Sonitpur, Tezpur
Misc.(Crl) Case No. 255/2021**

ORDER

23-08-2021

Seen petition No. 824/2021 filed by accused/petitioner Smti Barnali Neog seeking pre-arrest bail in connection with Tezpur PS Case No. 1306/2021 u/s 294/387 IPC read with Section 67 IT Act.

I have heard the learned lawyers appearing for both sides and also gone through the case diary received today.

Learned counsel appearing for the State submitted that there is specific allegation against the accused of committing the offence u/s 67 of IT Act and therefore, accused do not deserve pre-arrest bail.

On the other hand, learned counsel appearing for the accused person forcefully submitted that all the allegations are false and concocted one. There was no specific allegation of committing offence u/s 67 of IT Act. It is further contended that accused is a lady and she has been under treatment because she met with an accident. Accused being a lady there is no chance of her fleeing from justice. Hence, learned counsel submitted that accused deserve to be released on pre-arrest bail.

Having heard the learned lawyers appearing for both sides and on careful perusal of case diary, it transpires that I.O. has annexed with the case diary few printed copies showing that the accused/petitioner Barnali Neog had written certain derogatory language in the social media against the informant.

However, case diary nowhere indicate from which instrument/mobile phone accused transmitted those objectionable text and in whose mobile whatsapp. The FIR reveals that accused allegedly sent derogatory text message in the whatsapp number of her husband and to blackmail him if he did not pay money to her. But, during investigation the I.O. so far could not collect any C.D.R. or mobile numbers from which the accused allegedly forwarded the messages addressing the informant.

Therefore, considering all the attending factors, this court is of the view that the accused/petitioner Barnali Neog needs to be protected.

In view of the above, the I.O. is directed to release the accused/petitioner Barnali Neog on pre-arrest bail in execution of a bond of Rs. 15,000/- (Rupees Fifteen Thousand) in the event she is arrested in connection with Tezpur PS Case No. 1306/2021 u/s 294/387 IPC read with Section 67 IT Act.

Send back the case diary in seal cover.

Accordingly, Misc(Crl.) case stands disposed off.

Sessions Judge
Sonitpur, Tezpur