

GAHC040014992025



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

Case No. : AB/120/2025

Kabuk Lego
Son of Late Yonkin Lego, permanent resident of Kangkong Village, PO Roing, PS
Shantipur, Lower Dibang Valley District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
represented through the PP of AP 2:Kenedy Tayeng
Age: 35
Occupation :
Son of Shri Lomkur Tayeng
resident of Meka Village
PO and PS Roing
Lower Dibang Valley District
Arunachal Pradesh

Advocate for the Petitioner : Khoda Tama, Hinti Jeram, Khoda Yubey, Tasso Dodung, Jambey
Tsering, T Lampung

Advocate for the Respondent : P P of AP,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 24.09.2025

Heard Mr. K. Tama, learned counsel for the applicant. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

2. By filing this application under Section 482 of the BNSS, 2023, the applicant is seeking grant of pre-arrest bail apprehending his arrest in connection with Roing P.S. Case No. 51/2025 under Section 140(4)/143(3)/144(1)/64(1) of BNS, 2023 read with Section 6 of the POCSO Act, 2012.

3. The prosecution is that based on a written FIR lodged by one Shri Kenedy Tayeng on 30.07.2025, inter-alia, alleging that his sister went missing from village Meka since 26.07.2025. The victim was brought back, however, on suspicion when enquired, the victim disclosed that she was taken by 2(two) persons to the rented house of another lady, where she was engaged in sex racket. Accordingly, the aforementioned case was registered.

4. The record as produced reveals that the present accused/applicant is alleged to have availed the service as a customer in the sex racket, however, the record reveals that the victim at the time of alleged incident had already attained her majority age. The record also reveals that the other co-accused, who is stated to have availed the service as a customer, had already been released on a PR bond by the police. Therefore, the applicant prays for his release on anticipatory bail on parity.

5. The learned Additional Public Prosecutor fairly submits that at the time of

commission of alleged offence, the victim had already attained her majority age and in that case the offence under Section 64 of the BNS and POCSO Act would not be applicable against the accused.

6. In view of the above and considering the entirety of the case and on parity, this Court is of the opinion that the privilege of pre-arrest bail can be extended to the applicant. Accordingly, it is provided that in the event of arrest of the accused/applicant in connection with the Roing P.S. Case No. 51/2025, he shall be released on bail on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty thousand) with one surety of like amount to the satisfaction of the arresting authority with further conditions:

- (i) that he shall fully co-operate and appear before the I.O of the case as and when called for;
- (ii) that he shall not indulge in any activity which would either, hamper, or, hinder the investigation of the case; and
- (iii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Police Officer or tamper with the evidence of the case.

7. With the above, the present anticipatory bail stands disposed of.

JUDGE

Comparing Assistant