

GAHC040016082025



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

Case No. : BA/118/2025

Tani Tayem
Son of Late Tai Tayem, a permanent resident of Sangkham Colony Seppa, PO and PS
Seppa, East Kameng District, Arunachal Pradesh.

VERSUS

The State of AP
through the PP of AP

Advocate for the Petitioner : Lipi Niri, Priya Lomdak, A Bodo

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 25.09.2025

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

2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the applicant praying for release of the accused, namely, **Atul Tayem**, who has been arrested in connection with Itanagar WPS

Case No. 58/2025 under Sections 64(1)/351(3) of BNS, 2023.

3. The aforementioned case was registered on FIR lodged by one Ms. Reenu Bodo, alleging that the accused Atul Tayem has sexually assaulted her, and thereafter threatened, if his demand for physical intimacy was not fulfilled, he will harm her and her sister. The accused was accordingly arrested on 25.08.2025 and since then he is under the judicial custody.

4. The learned Additional Public Prosecutor referring to the record and the status report submits that the victim has given her deposition before the Judicial Magistrate First Class, Yupia, under Section 183(6) BNSS, 2023, wherein, she has stated that she has given false FIR against the accused alleging commission of rape on her but nothing occurred as such.

5. The learned Additional Public Prosecutor further submits that in view of the fact and circumstances of the case, the I.O has returned the case into final report as no incriminating materials was found against the accused and the victim also refused to give consent for her medical examination to the lady doctor at TRIHMS hospital, Naharlagun.

6. In view of the above facts and circumstances of the case, the learned Additional Public Prosecutor fairly submits that she has no objection if the prayer for bail is allowed, as no case has been made out against the accused.

7. Heard the learned counsels for both the sides and I have also perused the record.

8. In view of the above submissions and considering that the victim in her statement under Section 183(6) has stated that she has lodged false FIR against the accused for commission of sexual assault, whereas, no such incident

occurred, and also considering that the I.O of the case has already returned the case into final report, this Court is of the opinion that the custodial detention of the accused is no longer required in the case.

9. Accordingly, this bail application is allowed.

10. The accused, namely, **Atul Tayem** is directed to be released on bail on furnishing a bond of Rs. 5000/- (Rupees five thousand) with one surety of like amount to the satisfaction of learned chief Judicial Magistrate, Yupia with further condition that he shall co-operate and appear before the I.O of the case as and when required.

11. With the above, this bail application stands disposed of.

JUDGE

Comparing Assistant