

GAHC010173242021



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

**Case No. : AB/3367/2021**

MAINI MAHANTA AND ANR  
W/O SRI BANI DAS  
R/O 1/2 KKB ROAD, CHENIKUTHI, GUWAHATI-781003,  
DIST. KAMRUP (M), ASSAM

2: UNIQUE BORAH  
S/O SRI HOMARNOV BORAH  
R/O HOUSE NO. 25  
UDAYAN PATH NO. 1  
RIPURA ROAD  
BELTOLA  
GUWAHATI-781028  
DIST. KAMRUP (M)  
ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. M BISWAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE HITESH KUMAR SARMA**

**ORDER**

**Date : 16-10-2021**

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioners, namely, **Maini Mahanta and Unique Borah**

apprehending arrest in connection with **Lumding Police Station case lodged by Pragjyotishpur Aikya Sangha, Hojai District Youth Committee.**

Heard Mr. M. Biswas, learned counsel appearing for the petitioners and Ms. S.H. Bora, learned Additional Public Prosecutor.

I have perused the petition and the annexures furnished therewith, particularly, the contents of the FIR.

It appears from the materials available before this Court that the petitioner No.1 is the editor of the magazine "Nandini" and petitioner No. 2 is the professional photographer for the same magazine. It is alleged that the petitioners published a symbolic image of Goddess Durga in a distorted form, thus hurting the sentiments of the Hindus.

A copy of the F.I.R. having been furnished with the petition, although as stated by the learned counsel for the petitioner as well as averred in the petition, that certified copy could not be collected thereto, and therefore the Police Station case number could not be given.

On consideration of the materials available before this Court, as of now, subject to a final decision on perusal of the materials, in the case diary, provided a case has already been registered, the petitioners are granted interim protection till the next date fixed.

Call for the case diary in connection with the F.I.R. filed by M. Kailash, President and Apan Choudhury, General Secretary of Pragjyotishpur Aikya Sangha Hojai District Youth Committee.

However, the case diary be produced by the Investigating Officer only if the case has been registered and investigation is carried out thereto.

The Investigating Officer is also to inform this Court, in the event case

diary is not furnished as to whether a case has been registered on the basis of the FIR aforesaid.

A copy of this order be furnished to Ms. Bora, learned Additional Public Prosecutor, during the course of the day so as to enable her to communicate with the concerned I/O.

List on **08.11.2021**.

In the interim, it is provided that the petitioners, if arrested in connection with the case aforementioned, they shall be released on furnishing a bail bond of **Rs.10,000/-**, each with **a suitable surety** each of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 from disclosing such facts to the Court or to any police officer.

**JUDGE**

**Comparing Assistant**