

GAHC040011152023



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

Case No. : BA/74/2023

Sujeet Kr. Sinha
S/o Kalidas Sinha Resident of House No. 79, Race Course, Polo Grounds, Shillong,
Meghalaya.

VERSUS

THE STATE OF AP
represented by Ld. PP (A.P)

Advocate for the Petitioner : M Opo

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 21-08-2023

Heard Mr. M. Opo, learned counsel for the applicant. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 439 of the Cr.P.C., for grant of bail to the accused, namely, *Smti Jabení Kikon*, in connection with Tezu P.S. Case No. 29 of 2022, under Sections 306/384/34 IPC.

3. The aforesaid Tezu P.S. Case No. 29 of 2022, under Sections 306/384/34 IPC was registered on the basis of an F.I.R, dated 13.07.2022, lodged before the Officer-in-charge Tezu, by one *Shri Basalum Boo*, stating that his deceased sister, late Alam Boo was found dead suspiciously hanged at her office Chamber, DCPU, Tezu on 31.05.2022 at around 11.30 pm. In the said F.I.R, apart from the death of the sister of the informant, it has also been stated that the aggrieved family had recovered a huge money transaction record (Money transfer receipt) made to unknown persons of different states from the possession of the deceased.

4. Pursuant to the order of this Court, dated 18.08.2023, the Case Dairy has been produced by the learned Additional Public Prosecutor.

5. On perusal of the Case Diary, it reveals that as the investigation of the case proceeded, several arrests were made as well as statement of various persons were recorded by the Investigating authority. It was on the basis of the disclosure made by the persons whose statements were recorded, the involvement of the applicant of the instant bail application was revealed, whereafter, as many as 91 pass-books of different bank accounts in the name of different persons operated by the accused have been seized by the Investigating Authority, including 8 (eight) SIM cards and 7 (seven) Mobile phones and 5 (five) loose papers with account details suspected to have been used in the illegal money transaction. The Case Diary further reveals that though the accused applicant was formally arrested on 03.07.2023, the accused remained on bail on the order passed by the Judicial Magistrate First Class, Shillong; Sessions Court, Shillong as well as Sessions Court, Yupia, on various bail applications till 14.08.2023, on which date, the bail application of

the accused was finally rejected by the Sessions Court at Yupia. The accused applicant therefore, is stated to be in custody only since 15.08.2023 and the instant bail application has been filed stating that the accused is suffering from Gall Bladder Stone and Piles Grade-III.

6. Considering the nature of incriminating materials that is made available in the Case Diary against the accused and also having regard to the fact that the accused applicant has been in custody only since 15.08.2023, I am of the view that the accused cannot be granted bail at this stage in connection with Tezu P.S. Case No. 29 of 2022, under Sections 306/384/34 IPC.

7. However, since the accused applicant is stated to be suffering from Gall Bladder Stone and Piles Grade-III, the jail authority, where the accused is stated to be lodged under judicial custody, is hereby directed to provide adequate medical treatment that may be required, having regard to the nature of ailment the accused is stated to be suffering from.

8. Accordingly, this bail application stands dismissed being devoid of merit.

9. Return back the Case Dairy.

JUDGE

Comparing Assistant