

GAHC010018422023



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

Case No. : Bail Appln./360/2023

RITUSMITA DHEKIAL PHUKON
W/O- SRI BITUPON DHEKIAL PHUKON, R/O- CHUNPURA GAON, P.O-
PANIBIL, P.S- SIMALUGURI, DIST- SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G KAKOTI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 28.03.2023

Heard Mr. G. Kakoti, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Smti Ritusmita Dhekial Phukan**, has prayed for grant of bail in connection with **Sessions Case No.158(S-N) of 2022 (Simalu P.S. Case No. 54/2022)** under Sections **120B/302** of the IPC r/w Section **14** of Child Labour (Prohibition) Act and Section **75** of Juvenile Justice Act.

The scanned copy of the case record, as called for, is placed before the Court.

It is noticed that the accused petitioner has been in judicial custody since 21.07.2022, i.e. for 250 days.

The F.I.R. reveals the allegation that on 21.07.2022, the informant lodged an *Ejahaar*, stating, *inter-alia*, that on 20.07.2022, he received a telephonic information that the present accused petitioner and her husband have admitted one minor girl at Joysagar Civil Hospital and after sometime, she succumbed to her injuries.

A perusal of the case record reveals that the learned Trial Court has examined 10 prosecution witnesses, out of listed 29 witnesses, which indicate prima facie implicating material against the accused petitioner, subject, however, to final outcome on completion of trial of the case.

Post-mortem report of the victim shows that the death was due to shock as a result of injury sustained by the deceased, which was ante-mortem in nature. There is another injury report of the deceased, aged about 9 years, which shows that she sustained multiple injuries.

However, having considered the length of detention in judicial custody, this Court is of the considered opinion that further continuation of detention of the accused in the interest of remaining part of trial of the case is not required.

Accordingly, it is provided that the accused petitioner, named above, who is a lady, shall be released on bail of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the **learned Sessions Judge, Sivasagar** subject to the following conditions-

- i) That the accused petitioner must continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and
- ii) That the accused petitioner 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.

Any breach of the above conditions shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant