

GAHC010067332023



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

Case No. : Bail Appln./1155/2023

DOPOL JIT LANGTHASA @ DAORAJA DIMASA AND 4 ORS.
S/O SOROMUNI LANGTHASA R/O VILL. KHEPRE I P.S. MAIBONG DIST.
DIMA HASAO ASSAM

2: NOBAJIT HOJAI @ NAGA HOJA DIMASA
S/O POROJEN HOJAI R/O VILL. DIMAINO P.S. DIHANGI DIST. DIMA HASAO
ASSAM

3: JUDDYCHAN HAFLONGBER @ AMERICA DIMASA
S/O BIJULAL HAFLONGBER R/O VILL. DAMADIHAWAR P.S. MAIBONG
DIST. DIMA HASAO ASSAM

4: PRITHOMJIT JIDUNG @ GALAO DIMASA
S/O AJIT JIDUNG R/O VILL. P GALAPANG P.S. MAIBONG DIST. DIMA
HASAO ASSAM

5: NATUNJOY NUNISA
S/O PANGSO NUNISA R/O VIL. WAJAO P.S MAIBONG DIST. DIMA HASAO
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

26.06.2023

Heard Mr. B.K. Mahajan, learned counsel for the accused petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This petition under Section 439 Cr.P.C. is preferred by accused, namely, Dopol Jit Langthasa @ Daoraja Dimasa, Nobajit Hojai @ Naga Hoja Dimasa, Juddychan Haflongber @ America Dimasa, Prithomjit Jidung @ Galao Dimasa and Natunjoy Nunisa, who have been languishing in jail in connection with Sessions Case No.05/2022 under Section 120(B)/457/365/325/302 of the IPC arising out of Langting Police Station Case No.33/2021 pending in the Court of learned Sessions Judge, Dima Hasao, Haflong, for granting bail.

3. It is to be noted here that Langting P.S. Case No.33/2021, under Section 120(B)/457/365/325/302 has been registered on the basis of one FIR lodged by one Loben Langthasa on 06.12.2021. The essence of allegation made in the FIR is that accused Natunjoy Nunisa along with 4 other cadres of ceasefire DNLA Cadres kidnapped Modesh Langthasa, Ramesh Hager, Raju Ardao, Abinash Thaosen, Ramsen Langthasa and Amar Goswami from their respective houses and taken them to their designated camp at Kashmaipur, Maibong and tortured them severely. As a result Modesh Langthasa, Ramesh Hager, Raju Ardao and Abinash Thaosen sustained serious injuries and Ramsen Langthasa

and Amar Goswami succumb to the injuries.

4. Mr. Mahajan, learned counsel for the accused submits that this is the 3rd bail application preferred by the accused persons and the first Bail Appln. No.884/2022 was rejected by this Court vide order dated 27.05.2022 after perusing the scanned copy of the record and case diary and the 2nd bail application being Bail Appln. No.1498/2022 was also rejected by this Court subsequently on 22.08.2022. Mr. Mahajan further submits that pursuant to an order of this Court dated 28.03.2023 updated status report was called for and thereafter vide order dated 02.05.2023 evidence of PW-2 and PW-3 after their re-examination was called for and the same has been received by this Court and that the materials, so brought on record, are insufficient to show the complicity of the accused persons with the offence alleged and therefore, Mr. Mahajan contended to allow this petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, submits that there are materials to show complicity of the accused person with the offence alleged in the FIR and out of 23 witnesses 21 witnesses have already been examined by the learned Court below and the trial is at the last stage and therefore, Mr. Baruah contended to dismiss the petition. However, Mr. Baruah submits that negotiation between the extremist group DNLFF to which the accused persons are belonging and the Government is going on, pursuant to a peace process.

6. Having heard the submissions of advocates of both sides, I have carefully gone through the petition and the documents placed on record and scanned copy of the

deposition of witnesses and updated status report. It appears that the trial is at the last stage and out of 23 witnesses cited in the charge-sheet, 21 witnesses have already been examined.

7. In view of the materials available on record and also having regards to the nature of gravity of the offence and also considering the last stage of the trial, this Court is of the view that no prima facie case for granting bail to the accused persons is made out at this stage and accordingly, the bail application stands dismissed.

8. However, the learned Court below is directed to make an endeavour to complete the trial within a period of 2(two) months from today without being influenced by any observation made in terms of this application.

Sd/- Robin Phukan
JUDGE

Comparing Assistant