

GAHC010122242023



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

Case No. : AB/2006/2023

SMT. RINYA JOKAM
W/O LATE NIDO JANTA
R/O VILL- DOLUNG MUKH
P.O. AND P.S. KALAPTUKA
DIST. KAMLE, ARUNACHAL PRADESH.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B KAUSHIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.06.2023

Heard Mr. B. Kaushik, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State/respondent.

2. This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioner, namely, **Smti. Rinya Jokam**, apprehending arrest in connection with **Tengakhat Police Station Case No. 09/2022**, registered **under Sections 371/374/34 IPC, r/w Section 14 of Child Labour (Prohibition and Regulation) Act, 1986 and Section 23/24 of Juvenile Justice (Care and Protection) Act, 2000.**

3. It has been submitted by the learned counsel for the petitioner that the petitioner being a lady is no way connected with the instant case and her name is not reflected in the FIR. In fact, one Kokoi Sonowal was involved in this case and supplied the minor girls and boys to work at Arunachal Pradesh. He further submits that the minors have already been recovered and their statements have already been recorded. None of them has spelt the name of the present petitioner to be involved in this case. Under such backdrop, the benefit of pre-arrest bail may be granted to the petitioner.

4. Per-contra, the learned Additional Public Prosecutor for the State has opposed in granting bail prayer of the petitioner by stating that the petitioner along with other arrested accused persons have illegally exported 6(six) number of minor victims to Arunachal Pradesh in order to engage them as slaves/child labour. He has also stated that the offences are quite serious in nature. Hence, at this stage, there is no question of granting pre-arrest bail to the petitioner.

5. I have considered the submissions of learned counsel for the parties.

I have perused the case diary including the statements of the victims recorded under Section 164 Cr.P.C.

6. On perusal of the case diary, it reveals that the arrested accused persons handed over the minor girls and boys to the present petitioner and received some amount of money from her. It also appears from the case diary that the minor victims were exported to Arunachal Pradesh to engage them in different parts of the State to work in a house or shop of the person concerned. The statements of the victims were recorded under Section 164 Cr.P.C. wherein it is alleged that they were taken to Arunachal Pradesh and engaged them to work in the house or shops of the people from morning to night. Admittedly, all the victims are minors.

7. Looking to the allegation, it appears that custodial interrogation in the matter is relevant so as to reveal the truth. Considering the materials so far collected as well as the statements of the victims, this Court is of the view that this is not a fit case to grant the privilege of pre-arrest bail to the petitioner. Accordingly, the prayer of the petitioner is **rejected**.

8. The pre-arrest bail application stands disposed of accordingly.

9. Return the case diary.

JUDGE