

GAHC010133922023



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

Case No. : Bail Appln./2060/2023

CHILI DOYE AND 2 ORS
S/O RECHI DOYE
R/O VILL- SEREN
EAST SIANG
P.S. NARI
DIST.LOWER SIANG (ARUNACHAL PRADESH)

2: MANASH KURMI
S/O LAKHIPRASAD KURMI
R/O VILL- RANGAPARA
P.S. RANGAPARA
DIST. SONITPUR
ASSAM

3: MANOJ CHETRY
S/O BALORAM CHETRY
R/O VILL- BANDARDEWA
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. K BORUAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

30.06.2023

Heard Mr. K. Boruah, learned counsel for the accused petitioners. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioners, namely **1) Chili Doye 2) Manash Kurmi and 3) Manoj Chetry** have prayed for grant of bail in connection with **Gohpur P.S. Case No.108/2023** under Sections **365/368/370(4)/371/511** of the IPC read with Section **14** of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

The case diary, as called for, is placed before the Court.

The FIR reveals the allegation that the informant's younger sister was sent to Arunachal Pradesh by her father about eight years ago as a domestic help while she was aged about 6-7 years old and since then, her whereabouts were not known to the family members. On 03.06.2023, police recovered the victim and brought her back to home. The victim stated that she was sold to one Moromi Sonam of Arunachal Pradesh by one 'Didi' and that she was kept as domestic help for about 8 years by said Moromi Sonam and her husband, namely Narbo Sonam without paying any salary. However, on 02.06.2023, the victim along with another girl, who also worked as domestic help nearby, escaped from Arunachal Pradesh and arrived at the residence of the said girl situated at Bordhola Basti. It is alleged that on that day, at about 5 p.m., three persons from Arunachal Pradesh came to the residence of the victim girl in a vehicle and forced and allured the informant's sister to take her back to

Arunachal. Subsequently, the VDP party and local people obstructed them and informed the police as well as handed over the accused persons along with the victim girl to police.

It is noticed that the accused petitioners have been in judicial custody since 03.06.2023, that is, for 28 days.

A perusal of the case diary along with the statements of the informant and the victim girl, aged about 17 years, recorded under Sections 161 and 164 Cr.P.C., it is revealed that about 9/10 years ago, their parents (since dead) sent the victim to Arunachal Pradesh to work as domestic help in the house of a working lady. The victim girl taking advantage of her employer's absence at home escaped with another girl to come back home. The present accused petitioners allegedly attempted to take her back, but the public intercepted and handed over to the police. The prime accused is yet to be arrested. The investigation appears to have been substantially progressed so far the complicity of the present accused petitioners is concerned. Therefore, this Court is of the opinion that further continuation of detention of the accused petitioners in the interest of the investigation is not warranted.

Accordingly, it is provided that each of the accused petitioners, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** only with two sureties of like amount to the satisfaction of the learned **S.D.J.M.,(M), Gohpur** subject to the following conditions-

- i) That the accused petitioners shall cooperate with the investigating officer as and when required;
- ii) That the accused petitioners shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the investigating officer or to the Court; and

- iii) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant