

GAHC010136182023



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

**Case No. : Bail Appln./2166/2023**

BHASKARJIT GOGOI  
S/O BHOLNATH GOGOI PERMANENT R/O VILL. NO. 1 HOW FOW P.S.  
SONARI P.O. DHUNIA ATHAR DIST. KAMRUP M ASSAM PRESENTLY  
RESIDING AT LNB PATH N.NO. 7 (A) P.O. AND P.S. HATIGAON DIST.  
KAMRUP METRO ASSAM REP. HEREIN BY HIS ELDER SISTER SMTI JURI  
GOGOI

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. M PHUKAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**26-06-2023**

Heard Mr. N P Dowerah, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC the petitioner, namely, **Sri Bhaskarjit**

**Gogoi**, is seeking bail in connection with **Hatigaon Police Station Case No. 221/2023** corresponding to G.R. No. 4307/2023 registered under Sections 3/4/5 of the Immoral Trafficking (Prevention) Act, 1956, wherein he was arrested on 16.06.2023 and is in custody since then.

On the basis of a specific information, police in coordination with Officer-in-Charge of Hatigaon Police Station conducted a raid at a homestay at Hatigaon and during search operation police personnel apprehended one lady and one person from the specific room as per the information and on being enquired, they failed to establish their relationship. From another room of the same homestay at Hatigaon, police also apprehended two other men, one of which arranged the lady for the customer in the other room. Accordingly, Hatigaon Police Station Case No. 221/2023 was registered under Sections 3/4/5 of the Immoral Trafficking (Prevention) Act, 1956.

The petitioner herein is the owner of the said homestay in which the alleged immoral activities were carried out.

Perused the Case Diary.

It is seen from the Case Diary that the relevant Guest Register of the concerned homestay at Hatigaon involved in the present case has already been seized.

Case Diary reveals that the petitioner in his statement recorded under Section 161 CrPC stated that his homestay is registered under OYO, which authorizes co-habitant of adult couple and accordingly, the lady who was apprehended from the specific room of his homestay made entry in the Entry Register of the said homestay and entered into the concerned room and thereafter, the police came and apprehended the accused persons.

Case Diary further reveals involvement of the other accused persons in such immoral trafficking activities, but the present petitioner, being the owner and manager of the concerned homestay allowed the lady occupant apprehended in the case to stay in the specific room with the persons apprehended in the case.

Considering such materials in the Case Diary and the period of detention of the

petitioner since 16.06.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Hatigaon P.S. Case No. 221/2023. As such, this bail application of the petitioner in said Hatigaon P.S. Case No. 221/2023 is accepted.

Accordingly, the petitioner, namely, **Sri Bhaskarjit Gogoi**, be released on bail in said Hatigaon P.S. Case No. 221/2023 on furnishing a bail bond of Rs.70,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Hatigaon P.S. Case No. 221/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Hatigaon Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Hatigaon P.S. Case No. 221/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

**JUDGE**

**Comparing Assistant**