

GAHC010160462023



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

Case No. : I.A.(Crl.)/634/2023

RUMI SAIKIA,
D/O SRI GOBIN CH. SAIKIA, R/O HOUSE NO. 69(A), PANIGAON,
JYOTINAGAR, JYOTI PATH, WARD NO. 18, UNDER NAGAON SADAR
POLICE STATION, DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM,
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./2021/2018

RUMI SAIKIA
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UNDER NAGAON SADAR POLICE STATION
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ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. A M BORA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

08.08.2023

Heard Mr. A.M. Bora, learned Sr. Counsel appearing for the accused/applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this interlocutory application, the applicant has prayed for modification of the condition No. "c" in Paragraph No. 33 of the bail order, dated 04.10.2018, passed in Bail Appln. No. 2021/2018 enabling the applicant to leave the jurisdiction of Guwahati and also the State of Assam without taking permission from the Special Judge, Assam.

Mr. A.M. Bora, learned Sr. Counsel appearing for the accused/applicant, submits that the accused/applicant was granted bail by this Court in connection with Special Case No.02/2017 (arising out of Dibrugarh P.S. Case No.936/2016) vide order, dated 04.10.2018, passed in Bail Application No.2021/2018. Mr. Bora submits that in condition No. (c) of the aforesaid bail order it was directed that

the petitioner would not leave the territorial limits of the City of Guwahati without written permission of the trial court and without informing the investigating agency. Mr. Bora submits that because of the condition No.(c) contained in the bail order, the applicant is unable to reside on a permanent basis with her spouse, who is presently posted in Barpeta as a government servant and she has to take permission repeatedly from the learned trial Court just to visit and reside with her family and also to attend to sudden and urgent family chores. Mr. Bora also submits that the applicant's paternal house is in Nagaon and her mother is an ailing senior citizen who has been suffering from cardiac issues as well as has a solid cystic mass located behind her L3 & L4 vertebral bodies and also has some degenerative changes in her dorso-lumbar spine. Because of this, Mr. Bora submits that the applicant is required to attend to her mother and is required to accompany her mother to outside Assam for advanced treatment, which is affected by aforesaid condition No.(c) of the bail order. Therefore, Mr. Bora submits that the aforesaid condition No.(c) may be suitably modified by allowing the applicant to leave the jurisdiction of Guwahati and the State of Assam without taking permission from the learned Special Judge, Assam.

Mr. B. Sarma, learned Addl. Public Prosecutor, submits that in view of the submission made by the learned counsel for the applicant, the prayer for modification may be allowed.

It is seen that the order, dated 04.10.2018, passed in Bail Appln. No. 2021/2018 contained the following conditions-

“(a) The appellants 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 to

disclose such facts to the Court or to any other authority.

(b) The appellant would surrender their passport to the Trial Court and will swear affidavit if they have no such passport.

(c) They would not leave the territorial limits of the city of Guwahati without the written permission of the Trial court and without informing the investigating agency.

(d) They would report before the Trial court and the investigating officer once a month, till the investigation in the case is completed in full.

(e) They would cooperate with the investigation and would always be available to be interrogated by the investigating agency.

(f) Any other condition as the Trial Court may consider to be appropriate, can be added if and as and when necessary.”

Upon hearing the learned counsel for both sides and considering the grounds cited in the petition along with the documents annexed thereto, the prayer for modification/ relaxation as sought for by the accused applicant is allowed.

Accordingly, the order, dated 04.10.2018, passed in Bail Appln. No.2021/2018 is modified to the extent that the condition No.(c) contained therein shall stand cancelled.

With the above direction, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant