

GAHC030005442023



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

Case No. : AB/11/2023

Sh. C. Lalhriatpuia
S/o C. Lalthlamuana
R/o Dinthar, Thlanmual Road, Aizawl, Mizoram.

VERSUS

The State of Mizoram
r/b the Secy. to the Govt. of Mizoram, Home Department.

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

16.11.2023

Heard Ms. Ruthi Vanlalhruii, learned counsel for the applicant and Mrs. Linda L. Fambawl, learned Addl. Public Prosecutor for the State.

2. By filing this application under Section 438 CrPC, the applicant prays for grant of anticipatory bail since he apprehends his arrest in connection with C&EP PS Case No. 17/2023 dated 14.09.2023 registered under Sections 468/471 IPC read with Section 9(2) of the Mizoram Private Placement Agencies (Regulation) Act, 2015 and under

Section 24(b) of the Emigration Act, 1983.

3. The learned counsel for the applicant submits that based on the Suo Moto complaint i.e., 45/2022 dated 03.08.2023 received from the Chairperson, Mizoram State Commission for Woman on 04.08.2023, an inquiry was conducted and C&EP PS Case No. 17/2023 was registered. The learned counsel submits that the allegation made against the applicant is that he is responsible for having sent underaged girls as domestic help to United Arab Emirates (UAE) from Mizoram by showing them as adult in their documents, such as Aadhar card. The learned counsel however submits that the applicant is not responsible for the preparation of the Aadhar card and has no knowledge of the fact that the persons who have been sent to United Arab Emirate are in fact minors. The learned counsel submits that the documents including Aadhar card of interested candidates to go abroad are furnished by their parents and therefore, the applicant has no involvement in the matter. In this connection, the learned counsel draws the Court's attention to the affidavit sworn by the parents of Ms. R. Lalthafeli, who had gone to Dubai through the Faith Agency, Dinthar, Aizawl being run by the applicant.

4. The learned counsel submits that the applicant is fully cooperating with the investigation and is ready to abide by any condition that may be imposed by this Court in the event he is granted anticipatory bail. She therefore submits that the instant applicant may be allowed as prayed for.

5. Mrs. Linda L. Fambawl, learned Addl. Public Prosecutor has produced the Case Diary. Referring to the statement made by one of the girls, who was also sent to the UAE from the Agency run by the applicant, the learned Addl. Public Prosecutor submits that according to that girl, the applicant had taken the initiative of getting an Aadhar Card prepared showing her year of birth as 2004, although she was born at a later point of time. The applicant had similarly altered the year of birth of two other girls including Lalthafeli and Zosangliani so as to facilitate their travel to UAE as domestic

help. The learned Addl. Public Prosecutor therefore submits that there are materials to show that the applicant is involved in a case covered by Sections 468 and 471 of the IPC.

6. I have heard the learned counsels for the rival parties and I have perused the materials available on record including the Case Diary produced by the learned Addl. Public Prosecutor.

7. From the Case Diary, it is seen that the statement of the applicant was recorded on 20.09.2023 and the last progress of the case was on 26.10.2023 when details about the licence given to Faith Agency, Dinthar Veng, Aizawl was sought by the Case I.O from the office of the Deputy Commissioner, Aizawl. The statements made by persons including Ms. Melody Zonunchami said to be aged 14 years is also available in the Case Diary wherein her statements appear to show the involvement of the applicant in the preparation of the Aadhar card of the girls, who were to be sent as domestic help to UAE by showing them as adult although they are minors. Prima facie, it therefore appears that there is involvement of the applicant in the alleged crime and since the investigation is still on going, this Court is not inclined to grant the anticipatory bail as prayed for.

8. Accordingly, the anticipatory bail application stands rejected.

9. The interim order passed earlier granting interim bail to the petitioner stands vacated.

10. Let the Case Diary be returned to the learned Addl. Public Prosecutor, Mizoram.

JUDGE

Comparing Assistant