

GAHC020005802023



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

Case No. : Bail Appln./23/2023

MS. CHANPENI OVUNG
W/O LATE MHONBEMO MOZHUI, R/O DUNCAN BOSTI, H.NO.288, NEAR
CORMOR STONE SCHOOL, DIMAPUR NAGALAND

VERSUS

STATE OF NAGALAND
KOHIMA NAGALAND

Advocate for the Petitioner : N Z LOTH

Advocate for the Respondent : P.P, NAGALAND

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 13-11-2023

Heard Mr. N. Z. Lotha, learned counsel for the applicant. Also heard Mr. Veto V. Zhimomi, learned Public Prosecutor, Nagaland.

2. This is a bail application filed under Section 439 of the Code of Criminal Procedure, 1973 praying for grant of bail to four accused persons namely (1) Elithung Mozhui (A-2), (2) Moware Sangtam (A-5), (3) Lichanthung Ovung (A-3), and (4) Aokumba (A-6), who have

been arrested by the Dimapur Police in connection with the Dimapur, East Police Station Case No. 247/2023 under Section 364A/384/342/323/34 IPC.

3. The allegation against the accused persons as per the FIR lodged by one Dilbar Hussain is that on 02.10.2023, in the evening at around 8.00 PM, while he was waiting for passenger at Dimapur Taxi Parking, Railway Station area along with his brother, Anwar Hussain (victim), the accused, Amir Uddin came to his brother, Anwar Hussain (victim) and took him near one private vehicle (Tata Punch) after which one local Naga person came out of the vehicle and forcefully put Anwar Hussain (victim) inside the vehicle and after few minutes two local Naga persons came in a Scooty and took his taxi vehicle bearing registration No. NL01 T 9891 (Alto 800 Std.). And later on at around 8.30 PM one unknown person called him in his mobile and demanded ₹10 lakhs (Rupees Ten lakhs) from him for release of his abducted brother or else they would kill his brother. Out of fear he told the unknown person that he would pay a sum of ₹ 20,000/- (Rupees Twenty thousand) from his mobile and rest of the amount, he would come and hand it over in person. Thereafter, the informant paid ₹ 20,000/- in accused Amir Uddin's PhonePe and then went to East Police Station Dimapur and reported the incident.

4. The learned counsel for the accused persons/applicants, Mr. N.Z. Lotha submits that all the accused/applicants are innocent. They have been misled by Accused-1 (Amir Uddin), Accused-4 (Mhabemo Ngullie) and Accused-9 (Zareni Ngullie), who mischievously got them involved in the case. He further submits that

the informant of the present case and the A-1 are well acquainted with each other even prior to the alleged incident and the accused/applicants had no knowledge or any intention to involve in the case, as such the present accused/applicants have falsely been implicated by the informant and the A-1. The learned counsel further submitted that the taxi which was alleged to have been taken away by two Naga people and the A-1 have already been recovered from the possession of the A-1. In view of the above facts and circumstance and as the accused persons/applicants are innocent, the learned counsel for the applicant prays for their release on bail with any terms and conditions as this Court may deem fit and proper.

5. On the other hand, the learned Public Prosecutor, while opposing the bail prayer of the applicants submits that from the statement of the accused persons including A-4 and A-9 it is clear that all the accused/applicants are involved in the instant case of abduction the victim, physically assaulted him and also who demanded a ransom of ₹ 10 lakhs from the informant for return of his abducted brother.

6. The learned Public Prosecutor, Mr. Veto V. Zhimomi also produced a scanned copy of the Case Diary and I have carefully perused the same.

7. As per the record, it is revealed that all the accused/applicants are found involved in the instant case for abduction of the victim Anwar Hussain for ransom on 02.10.2023. The statement of the victim and other arrested co-accused persons further reveals that all

the accused/applicants namely Elithung Mozhui, Moware Sangtam, Lichanthung Ovung and Aokumba are involved and participated in the abduction of the victim on 02.10.2023 and the accused persons have physically assaulted the victim, his mobile phone was forcefully snatched away by them and broken into pieces, and thereafter the victim was confined and later on the accused persons also demanded a ransom amount of ₹ 10 lakhs from his brother/informant.

8. Upon hearing the parties and on perusal of the Case Diary produced before this Court, *prima facie* there is sufficient incriminating material found against all the accused/applicants for their involvement in commission of the alleged offence. Considering the nature of the offence alleged against them and the material found against them for their involvement in the case, and also considering that the case is still in the nascent stage of investigation, I am not inclined to interfere with the investigation of the case by granting bail to the accused/applicants at this stage.

Accordingly, this Bail Application is rejected.

BailAppln./23/2023 stands disposed of.

Sd/-
JUDGE

Comparing Assistant