

GAHC040002692024



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

Case No. : BA/17/2024

Niku Liyak
Son of Late Mechi Leyak, resident of Senki View Colony, PO and PS Itanagar,
Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Teto Taba

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 07.03.2024

Heard Mr. T. Taba, learned counsel for the applicant. Also heard Ms. L. Hage, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 of the Cr.P.C., 1973, has been filed praying for enlarging the accused Smti Sima Liyak, who has been arrested on 26.01.2024 in connection with Naharlagun P.S. Case No.

113/23, registered under Sections 407/409/420 of the IPC.

3. The aforesaid police case was registered on the basis of an FIR lodged by the informants against Smti Aruna Roy and her husband Shri Sangkar Roy alleging that the security as given by the informants while taking loan from the said two persons has not been returned and the said two persons are absconding. It is the case of the informants that the securities as given were valuable objects and as such, the same requires to be recovered. It is found that the said accused persons were arrested and after being in custody they were subsequently enlarged on bail. The present accused person had come in connection with said Smti Aruna Roy and Smti Aruna Roy had taken an amount of Rs. 35,00000/- (Rupees Thirty Five Lakhs) as loan from the accused person and in lieu thereof, had kept with her as security valuable objects, which was so obtained by Smti Aruna Roy as security from persons to whom she had loaned money. The present accused person was arrested on 26.01.2024 and is in judicial custody as on date. The present accused person having received valuable materials on account of the loan given by her to Smti Aruna Roy, for recovery of the material so given, the accused person was also placed under arrest.

4. It is the contention of the learned counsel for the applicant, the present accused had fully co-operated with the investigating agency and recovery was also made from her pertaining to the valuable objects as kept with her by said Smti Aruna Roy. It is also submitted that the accused person is a mother of five minor children and the youngest son, who is around 3 years old is required to be breast-fedded by the accused person

and it is also further contended that the eldest daughter of the accused is presently appearing in her Class-XII Board Exams and in absence of the accused person, the preparation of her daughter for the said examination is hampered.

5. Per contra, it is the contention of the learned Addl. Public Prosecutor that the accused person has not been co-operating with the investigating agency and she has still not disclosed the place where further valuable objects as received by her from Smti Aruna Roy has been kept and accordingly, it is contended that this Court would be please not to enlarge the said accused person at this stage.

6. After hearing the submissions of the learned counsel for both the sides and also perusing the Case Diary, it is seen that the main accused persons in the case having already been enlarged on bail and the applicant having submitted that the accused has fully cooperated with the investigating agency and also considering the length of detention, this Court finds it a fit case, where bail may be extended to the accused person.

7. Accordingly, the accused Smti Sima Liyak, shall be enlarged on bail on furnishing a bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Capital Complex Yupia under the following conditions:-

1. The accused shall appear before the Investigating officer as and when called for and fully co-operate in the investigation of the case.

2. The accused shall not hamper or tamper with the evidence in the matter in any manner.
 3. The accused shall not leave the jurisdiction of the learned Court of Chief Judicial Magistrate, Capital Complex, Yupia, without prior permission.
 4. If any of the above mentioned conditions is violated, it would be open to the investigating officer to approach the appropriate forum for cancellation of the privilege of bail as granted to the accused person by this Court.
8. In view of the above, this bail application stands allowed.

JUDGE

Comparing Assistant