

GAHC040003012024



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

Case No. : BA/25/2024

Tabum Tapir
Son of Renjen Tapir, resident of Karo Village, PO Pidi, PS Monigong, Shi Yomi
District, Arunachal Pradesh

VERSUS

The State of AP and 2 Ors
through the Special PP

2:Tadam Samnam
Age: 0
Occupation :

3:Victim A
Age: 0
Occupation

Advocate for the Petitioner : Mr. R. Ingo

Advocate for the Respondent : J. Tsering, Spl.PP (SIT)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 06.03.2024

Heard Mr. Reken Ingo, learned counsel for the applicant. Also heard Mr. Jambey Tsering, learned P.P., Arunachal Pradesh, appearing on behalf of Respondent No. 1.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, by the applicant seeking release of the accused person, namely, Smti. Marbom Ngomdir Tapir on regular bail who was arrested on 01.09.2023, in connection with MNG P.S. Case No. 02/2022 under Sections 376(AB)(3)/511/323/506/212 of the Indian Penal Code *read with* Sections 6/10/12/18 of the Protection of Children from Sexual Offences Act, 2012, which is now pending in the court of the learned Special Judge, Yupia.

In the aforesaid case, Smti. Marbom Ngomdir Tapir was made accused under Section 319 of the Code of Criminal Procedure, 1973, on the basis of the evidence of some prosecution witnesses.

While moving this bail application, the learned counsel for the applicant submits that the witnesses, who implicated the present accused person, are already examined by her and therefore, the accused person need not be detained in custody for further period of time. The learned counsel for the applicant submits that the accused person has already completed 186 days in judicial custody.

Mr. Tsering, learned P.P., Arunachal Pradesh, has submitted that he has no objection if

similar order granting regular bail is granted to the accused person, herein, in terms of the directions passed by this Court in BA No. 05(AP)2024.

I have considered the submissions made by the learned counsel appearing for the parties. The PWs No. 2, 3, 4 and 13 have implicated the accused person and on the basis of their evidence, she was made accused in this case. The accused person has also cross-examined those witnesses.

In that view of the matter; the accused person does not deserve to be detained in custody for further period. Accordingly, the prayer for regular bail is hereby allowed. The accused person, namely, Smti. Marbom Ngomdir Tapir who was arrested on 01.09.2023, in connection with MNG P.S. Case No. 02/2022 under Sections 376(AB)(3)/511/323/506/212 IPC *read with* Sections 6/10/12/18 of the Protection of Children from Sexual Offences Act, 2012, shall be released on bail on her furnishing a bail bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the learned Special Judge, Yupia.

With the above directions, the bail application stands disposed of.

JUDGE

Comparing Assistant