

GAHC040015122024



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

Case No. : BA/113/2024

Taya Rai
Son of Late Taw Rai, a permanent resident of Village Nava under Limeking Circle,
PO and PS Nacho, and presently residing at Tapang Gyama Colony, Daporijo, PO and
PS Daporijo, Upper Subansiri District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Kialum Lomlo Nayam, T Nyogin

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 21-11-2024

Heard Mr. T. Nyogin, learned counsel for the applicant. Also heard
Mr. G. Tado, learned Additional Public Prosecutor for the State.

2. This is an application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhati, 2023, praying for grant of bail to the accused
applicant, namely, *Smti Yachak Rai*, in connection with Daporijo P.S. Case

No.60/2024, under Sections 140(3)/103(1)/238/3(5) of BNS, 2023, who was arrested on 02.09.2024.

3. An F.I.R was lodged before the In-Charge, Likabali Patrol Post, Demaji, Assam on 29.08.2024 by one *Shri Sonamoni Nath*, son of Lt. Suramoni Nath, Village Alikash, Likabali, Police Station Silapathar, Dhemaji, Assam, to the effect that on 23.08.2024, *Shri Arun Chetry*, son of *Dilip Chetry*, resident of *Madhuripathar Rai Basti*, took his son *Shri Sanjay Nath* to Geling, Arunachal Pradesh on his Truck, bearing registration No. AS18C4741. A group of 4 (four) to 5 (five) unknown boys and girls near Daporijo bridge in a Bolero car forcefully kidnapped his son. Thereafter, since last one week, no information could be gathered about the whereabouts of his son despite several efforts. Therefore, prayed to trace out his son.

4. The above written FIR was registered as Zero FIR at Silapathar Police Station and forwarded to Daporijo Police Station, which was received on 01.09.2024 and the case was registered as DRJ/PS/C/NO-60/2024, under Sections 140(3)/3(5) of BNS, 2023.

5. During the investigation, it was found that one *Shri Tabu Doni*, resident of Daporijo, Pakam Colony had sent the group of kidnappers to kidnap the son of the informant, as per the audio recording. The Investigating Officer had arrested one *Dipak Tamang* and on examination, the said accused has admitted to his involvement in the abduction of the deceased and disclosed the involvement of his sister-in-law, namely, *Smti Yachak Rai Tamang*, the accused herein. On such disclosure, the accused, *Smti Yachak Rai Tamang* was directed to appear in the Police Station and

on interrogation and examination, she has stated to have admitted of committing the offence of abduction and further disclosed the name of one more accused, namely, *Shri Tarsis Bhagh*. *Shri Tarsis Bhagh* was also arrested. It is seen that altogether 9 (nine) accused(s) have been arrested.

6. It is noticed that body of *Late Sanjay Nath* was recovered from the place of occurrence located at 7 Km towards North West PS Daporijo, near Sippi village in the bank of Subansiri River. The Police, after completion of all the procedure, had exhumed the body of the deceased *Late Sanjay Nath*. Thereafter, Section 103(1)/238 BNS, 2023 was added.

7. Mr. T. Nyogin, learned counsel for the applicant submits that the accused applicant is no way involved in the case. Apart from having school going child, she is also having a breast-feeding one-year-old baby.

8. Mr. T. Nyogin, learned counsel further submits that since the accused was arrested on 02.09.2024, she is in jail for more than 79 (seventy-nine) days as on today. The police have examined and recorded her statement, for which, no further custodial interrogation is required. Moreover, all the accused persons have been arrested. Therefore, the accused person may be released on bail.

9. Mr. G. Tado, learned Additional Public Prosecutor for the State by placing the Case Diary, submits that all the accused persons including the present accused have confessed their involvement in abduction and murder of *Late Sanjay Nath*. Although, the investigation is almost completed, however, considering the admission of involvement in the

commission of offence in the present case, which is serious in nature, the accused is not entitled to be released on bail.

10. Considered the submissions of the learned counsel for the parties and also perused the scanned copy of the Case Diary produced by the learned Additional Public Prosecutor.

11. On consideration of the record, it appears that the accused has admitted of her involvement in the commission of offence. However, on submission of the learned Additional Public Prosecutor that the investigation of the case is almost completed, in my considered view, the custodial interrogation of the accused may not be required as the accused was arrested 79 (seventy-nine) days back. That apart, all the accused persons have been arrested.

12. Having considered above and considering that the accused is a breast-feeding mother of a baby and a permanent resident of Nava Village, in Limeking Circle, Police Station Nacho, Upper Subansiri District, Arunachal Pradesh, I deem it appropriate to allow this bail application by granting bail to the accused.

13. Accordingly, the accused, namely, *Smti Yachak Rai*, in connection with Daporijo P.S. Case No.60/2024, under Sections 140(3)/103(1)/238/3(5) of BNS, 2023, shall be released on bail on furnishing a bail bond of Rs. 10,000/- (Rupees Ten Thousand) only, with 1 (one) surety of like amount to the satisfaction of the concerned learned Sessions Court, subject to the following conditions:

- (i). The accused applicant shall cooperate with the investigation

and make herself available for interrogation by the Investigating Officer, as and when required;

(ii). The accused applicant 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/her from disclosing such facts to the Court or to any Police Officer; and

(iii). The accused applicant shall not leave the jurisdiction of the Officer-in-Charge, Daporijo Police Station, without prior written permission.

14. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant