

GAHC010053382024



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

Case No. : Bail Appln./749/2024

SUMITRA TIRKY @ SUMITRA MURA
D/O NIGRO TIRKY
VILL- NO. 4 BALIJAN, P.O. BALIJAN BONUWA
P.S. GOHPUR,
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. S KHATANIAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19-04-2024

Heard Mrs. S. Khataniar, learned counsel for the petitioner. Also heard Mr. D. Das learned Additional Public Prosecutor appearing on behalf of the State respondent.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/ petitioner

namely Sri Sumitra Tirky @ Sumitra Mura who is languishing in jail hajot in connection with Sessions Case No.114(NL)/2022 arising out of North Lakhimpur P.S. Case No.154/2014 under Section 370/370-A of the Indian Penal Code.

3. Received the scanned copy of the LCR from the concerned court below. It is submitted by the learned counsel for the petitioner that the present accused petitioner is innocent and no way connected in the alleged offence. She was arrested in connection with this case only on suspicion and is behind the bar since more than 1 year. It is also submitted that five witnesses have already been examined in connection with this case and hence, her further custodial detention is not required. More so, she being a permanent resident, will regularly appear before the learned Court below as and when the data is fixed.

4. In this connection, the learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the petitioner in the case diary and in the statement of the victim made under Section 161 and 164 Cr.P.C. Further till date, none of the victims were examined by the prosecution and hence, the probability of influencing the minor victim and other witnesses cannot be denied at this stage and therefore, he raised objection in granting the bail to the present accused petitioner.

5. After hearing the submissions made by the learned counsel for both sides and on perusal of the scanned copy of the case record it is seen that the case is at the stage of evidence and 5 witnesses out of 9 witnesses are already been examined by the trial Court. But, none of the minor victims could be examined by the prosecution and it is also seen that

victim brought sufficient incriminating materials against the petitioner showing her direct involvement in the alleged offence. Accordingly, the probability of absconding of the petitioner and also influencing the minor victim/other witnesses cannot be denied at this stage. Hence I do not find it a fit case to extend the privilege of bail to the present accused/petitioner.

Accordingly, the Bail application stands rejected.

JUDGE

Comparing Assistant