

GAHC010060062024



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

Case No. : Bail Appln./872/2024

MANASHI SAIKIA
W/O LATE JITEN SAIKIA
R/O VILL- AHOTGURI
P.O. AHOTGURI
P.S. BOGINADI
DIST.LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MRS. P B BORDOLOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

15.05.2024

Heard Ms. P. B. Bordoloi, learned Legal Aid counsel appearing on behalf of the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 02.06.2021 in connection with Sessions Case No. 90 (NL) arising out of Boginadi P. S. Case No.157/2021, registered under Sections 302/34 of the Indian Penal Code [G.R. Case No.1439/2021].

The scanned copy of the LCR has already been received and I have perused the same.

It is submitted by the learned Legal Aid counsel, Ms. Bordoloi that the accused/petitioner is innocent and she is not at all involved in the alleged offence. She also submitted that the accused/petitioner is behind the bar since 02.06.2021 and hence considering her length of detention, she may be enlarged on bail. More so, the 7 (Seven) numbers of witnesses are already been examined by the prosecution side and hence, further custodial detention will not be required as there is no vital witness to be examined. She further submitted that the accused/petitioner is ready and willing to appear before the learned Court below on each and every date fixed and will contest the case, if she is granted with the privilege of bail.

In this context, the learned Additional Public Prosecutor, Mr. Goswami has submitted that there are sufficient incriminating materials against the accused/petitioner and as per the statement of the co-accused, she is the person who provided the information regarding the deceased, his day-to-day activities i.e. timing of going out, drinking alcohol etc. to him. From the statement of the other witnesses also, it is seen that the accused/petitioner was very much involved in the alleged offence and she entered into criminal conspiracy with the co-accused in killing an innocent person. Accordingly, he submitted that no sympathetic consideration can be given to the accused/petitioner as there is a probability of influencing the other remaining witnesses which cannot be denied as she is fully involved in the alleged offence. He further submitted that in the instant case already 7(seven) numbers of witnesses have been examined by the prosecution side and hence, there is a probability of disposal of the case within short period of time. More so, the learned Additional Public Prosecutor has submitted that though the body of the deceased was found in the water body but, from the Post Mortem Report, it is seen that the deceased had sustained head injury apart from other injuries. Accordingly, he raised objection and submitted that this is not a fit case to grant bail to the accused/petitioner at this stage, however, direction may be given to the learned Court below to dispose of the matter expeditiously.

Considering the submissions made by the learned counsels of both sides as well as after perusal of the Case Record and the statement made by the witnesses, I find that it is not a fit case to grant the bail to the accused/petitioner only considering the length of detention as probability of absconding as well as influencing the other witnesses which cannot be denied at this stage and accordingly, I do not find it justified to allow the

accused/petitioner on bail and accordingly the present bail application stands rejected. However, the learned Trial Court is hereby directed for expeditious trial in this case and dispose the same.

With above observation, this bail application stands disposed of.

JUDGE

Comparing Assistant