

GAHC010080572024



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

Case No. : Bail Appln./1143/2024

VIPIN KUMAR AND ANR.
S/O SURENDRA KUMAR
PERMANENT RESIDENT OF VILL- SONOHULY, UNDER DEOKALI POLICE
STATION, IN THE DISTRICT OF GHAZIPUR, UTTAR PRADESH AND
PRESENT ADDRESS IS 571 ASC BN. B. COY, SONITPUR, ASSAM

2: VIVEK KUMAR PAL
S/O RAMA SHANKAR PAL
PERMANENT RESIDENT OF VILL- DANGANJ UNDER SADAR POLICE
STATION

IN THE DISTRICT OF VARANASI
UTTAR PRADESH AND PRESENT ADDRESS IS 571 ASC BN. B. COY
SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. R B PHOOKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 02.05.2024

Heard Mr. R.B. Phookan, learned counsel for the petitioners. Also
heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for

the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Vipin Kumar and Vivek Kumar Pal**, in connection with **Tezpur P.S. Case No. 186/2024**, registered under **Section 370/370A(2) of IPC r/w Section 3/4/5 of Immoral Traffic (Prevention) Act, 1956**.

The learned counsel for the petitioners submits that on 11.04.2024, an FIR has been lodged stating *inter alia* that one woman namely Mrs. Manika Deka was illegally doing prostitution business in the rented house of one Sri Hemen Bora under Tezpur police station and when the police raided the said house, the petitioners along with some girls were arrested.

It is also submitted that the petitioners are no way involved in the instant case. It is further submitted that the petitioners are serving in Indian Army, presently posted at Tezpur and they are originally hailing from Uttar Pradesh. The petitioners have been languishing in jail since 12.04.2024. Considering the fact of the case as well as the nature of offence, the petitioners may be enlarged on bail.

On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has produced the case diary and submitted that the petitioners are customers wherein the prostitution business is going on since long. Considering the nature of offence, the prayer of the petitioners may be considered.

I have considered the submissions made by the parties. I have also perused the case diary.

Considering the fact as well as the nature of offence, this Court is of the view that further custodial detention of the accused-petitioners is not

necessary.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Tezpur P.S. Case No. 186/2024**, registered under **Section 370/370A(2) of IPC r/w Section 3/4/5 of Immoral Traffic (Prevention) Act, 1956**, on furnishing bail bond of **Rs.50,000/- each with two suitable sureties each** of the like amount out of which one of the sureties should be a Government employee of Assam, to the satisfaction of learned CJM, Sonitpur, Tezpur, Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

(i) shall not leave the territorial jurisdiction of learned CJM, Sonitpur, Tezpur, Assam, without prior written permission from him/her;

(ii) 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 from disclosing such facts to the Court.

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

Send back the case diary.

JUDGE

Comparing Assistant