

GAHC010090052024



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

Case No. : Bail Appln./1305/2024

SMT. TEMSUSENLA AND ANR
D/O LT. SENTILABA
R/O VETY COLONY, BURMA CAMP, DIMAPUR COLONY SADAR,
NAGALAND-797112

2: SMT. TIANARO
C/O MERENYANGAR
R/O H. NO. 69
LANDMARK COLONY NEAR SAKU MISSION COLLEGE
PWD
DIMAPUR SADAR
NAGALAND-79711

VERSUS

UNION OF INDIA
REPRESENTED BY SHRI ALOK RANJAN SUPERINTENDENT (IN-SITU),
ANTI - SMUGGLING UNIT, CUSTOMS DIVISION, GUWAHATI-781006

Advocate for the Petitioner : S BORGOHAIN

Advocate for the Respondent : SC, CUSTOMS

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06-05-2024

Heard Mr. S. Borgohain, learned counsel for the petitioners and Ms. M. Deka, learned

counsel, appearing on behalf of Mr. S.C. Keyal, learned Standing Counsel, NCB.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely (1) Smti Temsusenla and (2) Smti Tianaro, praying for bail who were arrested on 16.03.2024 in connection with Custom Case No. 33/CL/IMP/AS/GAU/2023-24 under Sections 110/ 104/ 135 of the Customs Act, 1962.

It is submitted by the learned counsel for the petitioners that nothing was recovered from the possession of the petitioners except two mobile handsets. It is contended that bail was granted to the co-accused from whom the gold biscuits were recovered. It is further submitted that the petitioners have been detained in custody for last 53 days since the date of their arrest on 16.03.2024. Considering the period of detention, they may be enlarged on bail.

On the other hand, the learned standing counsel NCB has submitted that case diary may be called for.

The alleged offence against the present petitioners is under Section 135 of the Customs Act and the maximum punishment would be up to seven years. Considering the fact as well as length of detention, prayer for bail is allowed. It is directed that the accused/ petitioners shall be released on bail on furnishing a bond of Rs. 50,000/- each with two suitable sureties each of like amount out of which one of the sureties should be a Government employee of Assam, to the satisfaction of the learned CJM, Kamrup (M), Guwahati in connection with the aforementioned case.

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

- (1) shall not leave the territorial jurisdiction of the learned CJM, Kamrup (M), Guwahati, without prior written permission from him/ her;
- (2) shall not hamper with the investigation and tamper with the evidence of the case;
- (3) 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 or to any police officer,

- (4) if the petitioners have a passport, they shall surrender the same to the court of the learned CJM, Kamrup (M), Guwhati and shall not travel out of the country without prior permission of the learned trial court, and
- (5) shall appear before the Investigating Police Officer once in a week for six weeks after their release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is complete.

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

JUDGE

Comparing Assistant