

GAHC010137802024



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

Case No. : Bail Appln./1842/2024

NILAKANTA PEGU
S/O LATE DOULAT PEGU

RESIDENT OF SONARI GAON
PO SABOTE
PS NORTH LAKHIMPUR
DIST LAKHIMPUR
ASSAM 787001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for : MR R CHETRY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

29.07.2024

Heard Mr. W.R. Medhi, learned counsel for the petitioner. Also heard mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

This application filed under Section 439 of the Cr.P.C., praying for grant of bail to the accused/petitioner, who has been languishing in jail since 19.06.2024 in connection with North Lakhimpur P.S. Case No.167/2024, registered under Section 120B/343/376(D)/323/506 of the IPC, read with Section 3 of the Immoral Traffic (Prevention) Act, 1956, corresponding to G.R. Case No.439/2024 pending before the learned C.J.M., Lakhimpur, North Lakhimpur, Assam.

It is submitted by the learned counsel for the petitioner Mr. Medhi that the present petitioner is innocent and he is no way involved in the alleged offence. It is contended by the petitioner that he is the landlord of the rental premises, wherein, the 1st floor is rented by Power GRID Government Guest House and in one part of the 2nd floor, the co-accused, namely, Bijumoni Doley and her accomplices had been living as a tenant. But, he had no knowledge of any such immoral activities being carried out as he was having formal tenancy relationship with the said co-accused, though, he used to see some persons coming to visit the said co-accused, but he never interfered in their personal affairs. Further, he submits that the present petitioner is a retired employee of Oil and Natural Gas Corporation and without any involvement, he has been simply dragged in connection with this case and thus, he was arrested on 19.06.2024. Accordingly, it is prayed that the interim bail may be granted to the petitioner till receipt of the case diary.

In this context, Mr. Kaushik, learned Additional Public Prosecutor, Assam, has submitted that though there is no allegation against the accused/petitioner of committing any offence under Section 376(D), but, it is also an admitted fact that he never made any inquiry as to why some persons used to visit in his rented premises.

I have considered the submissions at the Bar with circumspection. The petitioner was granted interim bail vide order dated 26.06.2024. The petitioner has cooperated with the investigation and his statement has been recorded. The petitioner has not violated any bail conditions.

It appears that custodial interrogation of the petitioner may not be required, as the investigation has progressed to a considerable extent.

Considering all aspects and in view of the foregoing discussions, the interim order

dated 26.06.2024 is hereby made absolute under the same terms and conditions.

Accordingly, the bail application stands disposed of.

Send back the case diary.

Sd/- *Susmita Phukan Khaund*
JUDGE

Comparing Assistant