

GAHC010137802024



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

Case No. : Bail Appln./1999/2024

BABUL DOLEY
S/O PRADIP DOLEY, R/O VILL- TAJIK GAON, P.S.-GOGAMUKH, MOUZA-
BORDOLONI, DIST- DHEMAJI (ASSAM), PIN-787026

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMT. PRATIKSHA BORA
W/O TAPAN DAS
R/O VILL- CHABOTI
P.S.-NORTH LAKHIMPUR
DIST- LAKHIMPUR (ASSAM)
PIN-78702

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

02.08.2024

Heard Mr G Chamuah, learned counsel for the petitioner, Babul Doley, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars for 43 days, in connection with NLPS Case No. 167/2024, corresponding to

GR No. 439/2024, under Sections 120(B)/343/376(D)/323/506 of the Indian Penal Code, 1860, read with Section 3 of the Immoral Traffic (Prevention) Act, 1956.

2. Also heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that the informant, along with her 2½ years old daughter, who was abandoned by her husband went to the rented room of the accused No. 1, Bijumoni Doley. After she reached the room, in the evening she was forcefully locked inside the room and coerced into immoral activities. She opposed to such illicit acts, but Bijumoni Doley had threatened her and coerced her into such immoral acts. She was then taken to several hotels at Gogamukh and compelled to indulge in immoral acts with several other men. The other accused, Sunu Gayari, Chountash Shah and Nilakanta Pegu, named in the FIR, have also abetted Bijumoni Doley in committing the offence as alleged.

4. It is submitted on behalf of the petitioner that the petitioner is in no way involved with the alleged offence as he is the Manager of the Hotel Ealley. He was not aware about any such immoral activities in the hotel. He has also prayed for bail on the ground on parity, as the primne accused Bijumoni Doley has already been enlarged on bail.

5. The learned Additional Public Prosecutor has raised objection.

6. I have considered the submissions at the Bar with circumspection. I have also scrutinized the Case Diary.

7. Investigation has progressed to a considerable extent. The merits of this case are not brought to the fore. It appears that further custodial detention of the petitioner may

not be required for the progress of investigation.

8. The petitioner is a local resident and he is not a flight risk. The petitioner has also pledged to cooperate with the remaining part of investigation and to abide by any stringent conditions, if imposed upon him.

9. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs 30,000/- (Rupees Thirty Thousand), with one suitable surety of the like amount to the satisfaction of the CJM, Lakhimpur, North Lakhimpur, under the conditions that:

- (i) the petitioner shall refrain from such activities with which he is alleged,
- ii) the petitioner shall cooperate with the remaining part of investigation, and
- (ii) the petitioner shall not leave the jurisdiction of the Court without prior permission, and

On breach of any of the bail conditions, bail order shall automatically stand cancelled.

10. Bail Application stands disposed of.

JUDGE

Comparing Assistant