

GAHC010137882024



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

Case No. : Bail Appln./2012/2024

BIRI YAKAP
W/O BIRI TOKSH, VILL- PUNG RUNG, P.O.-SANGRAM, PIN-79118, DIST-
KURUNG KUMEY, ARUNACHAL PRADESH

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.07.2024

1. Heard learned counsel Mr. S. G. Baruah for the petitioner Biri Yakap.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 21.05.2024 in connection

with Boginodi P.S. Case No. 13/2024 under Section 365/370(4)/34 of the IPC.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The petitioner has also prayed for bail on the ground of parity as the co-accused have been enlarged on bail vide order of this Court dated 28.06.2024 in connection with B.A. No. 1754/2024.

5. I have considered the submissions at the Bar with circumspection.

6. The FIR unfolds that on 30.04.2024 at about 12:30 p.m., the informant's mother and her 12 year old daughter went to meet the informant's sister who was admitted at Chaboti Hospital. While waiting for the vehicle at tempo stand, 2 persons came in a car and asked the informant's mother whether she is willing to go in that vehicle. The miscreants instead of taking the informant's mother and daughter to Chaboti Hospital, took them to Arunachal Pradesh. They dropped the informant's mother at Upper Jumi under Kimin Police Station and kidnapped her daughter. The informant's mother was later recovered.

7. I have considered the submissions at the Bar that the informant's daughter had already been recovered.

8. I have also scrutinized the Case Diary.

9. Investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for progress of investigation.

10. The petitioner has pledged to co-operate with the remaining part of the

investigation and to abide by any stringent bail conditions, if imposed upon him.

11. 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 a local surety of like amount to the satisfaction of the Elaka Magistrate under the conditions that:

(i) the petitioner shall refrain from such activities with which he is alleged, and

(ii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

13. Send back the Case Diary.

JUDGE

Comparing Assistant