

GAHC010158602024



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

Case No. : Bail Appln./2340/2024

SMT. PULI MILI @ CHABITA CHUNGKRANG MILI
W/O NABAKANTA MILI, R/O VILL- BAMUNGOYA, P.O.-GARCHIGA, P.S.-
PANIGAON, DIST- LAKHIMPUR, ASSAM, PIN-787052

VERSUS

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

2:MUSTT RAHIMA KHATUN
W/O LATE SOHUR UDDIN
R/O AHATPUR
P.S.-BIHPURIA
DIST-LAKHIMPUR
ASSAM (INFORMANT

Advocate for the Petitioner : MS. S MAHANTA, MR. M MAHANTA

Advocate for the Respondent : PP, ASSAM, MR. S BISWAS, LEGAL AID COUNSEL, R2

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

29.08.2024

Heard Mr. M. Mahanta, learned counsel for the accused and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1 as well as Mr. S. Biswas, learned legal aid counsel appearing for the respondent

No.2.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is preferred by accused, namely, Smt. Puli Mili @ Chabita Chungkrang Mili, who has been languishing in jail hazot since 11.06.2024, in connection with Bihpuria P.S. Case No.184/2023, under Section 376(3)/313 IPC, read with Section 6 of the POCSO Act, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Rahima Khatun, on 16.10.2023. The essence of allegation made in the aforesaid FIR is that one Jannat Islam has impregnated her 13 years old daughter, Smt. X, (name withheld), and about 10 days back, got her pregnancy aborted at a hospital and she has been suffering from pain in her stomach.

4. Mr. Mahanta, learned counsel for the accused, submits that the accused was arrested on 11.06.2024 and since then, for last 80 days, she has been languishing in jail hazot. Mr. Mahanta further submits that earlier the accused was working as a nurse in a private nursing home and thereafter, she got married and she has left the job and that she is ready to cooperate with the investigating agency and considering the same, as well as the length of detention Mr. Mahanta contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that some materials are there against the accused and the offences are serious in nature and therefore, Mr. Sarma has contended to dismiss the petition.

6. Whereas, Mr. Biswas, learned legal aid counsel for the respondent No.2 fairly submits that the accused is a lady and she has been languishing in jail hazot since last 80 days. However, Mr. Biswas submits that the offences are serious in nature and the punishment prescribed for the same is also serious and therefore, Mr. Biswas submits to consider this aspect also.

7. Having heard the submissions of learned Advocates of both sides, I have carefully

gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

8. It appears that the accused was arrested on 11.06.2024 and for last 80 days she has been languishing in jail hazot. Further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case and the main culprits have already been arrested and the victim was also medically examined and her statement under Section 164 Cr.P.C. is also recorded.

9. Having considered the submission of learned Advocates of both the parties and the nature and gravity of the offence, specially the period of detention, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Special Judge (POCSO), North Lakhimpur, the accused, namely, Smt. Puli Mili @ Chabita Chungkrang Mili, be enlarged on bail. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant