

GAHC010175762024



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

Case No. : AB/2271/2024

LAKHYAJYOTI MAZUMDAR AND ANR
S/O SRI REBA KANTA MAJUMDAR, R/O VILL- MADHUPUR NEAR
NAMGARH, P.S.-SADAR NAGAON, P.O.-MADHUPUR, DIST- NAGAON,
ASSAM, PIN-782001

2: PUNARAM SAIKIA
S/O LATE PURNANDA SAIKIA
R/O VILL- MAJ MORIKOLONG SIVASTHAN
P.S.-SADAR NAGAON
P.O.-MADHUPUR
DIST- NAGAON
ASSAM
PIN-78200

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T DEURI, MS. L WANGSA, MS A DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11.09.2024

Heard Mr.K.N.Choudhury, learned Senior Counsel assisted by Mr. T.Deuri,

learned counsel for the petitioners. Also heard Mr. B.B.Gogoi, learned Addl. P.P., Assam for the State respondent.

This application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioners, namely **1. Lakhyajyoti Mazumdar** and **2. Punaram Saikia** praying for pre-arrest bail apprehending arrest in connection with **Nagaon P.S. Case No. 0822/ 2024** under Section 143 of the BNS read with Section 3/4/5/7 of the Immoral Traffic (Prevention) Act, 1956.

Learned Senior Counsel for the petitioners submits that both the petitioners and one Amiya Kr. Bora were having a partnership firm namely, 'Garh The Rhino' which is located at Sialekhowa, A.H.I. near Borghat Chowk, under Nagaon P.S.. The petitioners have no knowledge whether any illegal business of flesh trade is going on in the said Dhaba. The said Amiya Kr. Bora was indulged in such business who was arrested and already released on bail. It is further submitted that both the petitioners are no way connected with the alleged offence of immoral trafficking in the said Dhaba. As the names of petitioners appear in the FIR, they are apprehending arrest. Under such backdrop, benefit of pre-arrest bail may be extended to the petitioners.

Learned Addl. Public Prosecutor has produced the case diary and submits that the victim girls are not responsive in disclosing the names of the real perpetrators.

In the backdrop of facts as emerged from the case diary, this Court finds it not expedient for custodial interrogation of the petitioners.

In view of above, the prayer for anticipatory bail is hereby granted.

It is provided that in the event of arrest of the petitioners, named above,

they shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.40,000/-each** with one surety each of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioners shall appear before the Investigating Officer within 10 days from today, failing which, on the 11th day, the **interim** anticipatory bail order shall automatically expire; and
- (ii) That the petitioners 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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant