

GAHC010180102024



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

**Case No. : AB/2351/2024**

SRI JAPAN HAZARIKA AND 2 ORS  
S/O LATE SAMAPU HAZARIKA  
PERMANENT ADDRESS- VILL- BARANGGABARI PUB KHANA,  
MARIGAON, P.O. MORIGAON,  
P.S. MORIGAON,  
DIST. MORIGAON, ASSAM  
PIN- 782105  
PRESENT ADDRESS- HOUSE NO. 43, BLOCK-A LUMBATNGEN EAST KHASI  
HILLS, SHILLONG, P.S. MADANRTING, DIST. EAST KHASI HILLS, STATE-  
MEGHALAYA, INDIA,  
PIN-793021.

2: SRI JIMPI HAZARIKA  
D/O JAPAN HAZARIKA  
PERMANENT ADDRESS- VILL- BARANGGABARI  
PUB KHANA MARIGAON

P.O. MORIGAON

P.S. MORIGAON

DIST. MORIGAON  
ASSAM  
PIN-782105  
PRESENT ADDRESS- HOUSE NO. 43  
BLOCK-A LUMBATNGEN EAST KHASI HILLS  
SHILLONG  
P.S. MADANRTING

DIST. EAST KHASI HILLS

STATE- MEGHALAYA  
INDIA  
PIN-793021

3: MRS. SEUTI SONOWAL @ HEUTI  
W/O LATE DIPAK SONOWAL  
R/O VILL- DANGARI CHIRING GAON

NEAR RAILWAY STATION

P.O. DANGARI  
P.S. DOOMDOOMA

DIST. TINSUKIA  
ASSAM  
PIN-78615

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. T DEURI, MS A DAS,MRS. R S DEURI,MR U SAIKIA

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 19.09.2024**

Heard Ms. R.S. Deuri, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **Japan Hazarika, Jimpi Hazarika and Mrs. Seuti Sonowal @ Heuti**, have prayed for granting pre-arrest bail, apprehending arrest in connection with Doomdooma P.S. Case No. 113/2024 under Section 370/374/323/342/34 of IPC r/w Section

75/79 of Juvenile Justice (Care and Protection of Children) Act, 2015 and r/w Section 16 of Bonded Labour System (Abolition) Act, 1976.

It is submitted by the learned counsel for the petitioners that the victim was employed as domestic helper in the house of the petitioner No1 since September, 2022. It is also submitted that on 22.02.2023, the victim girl went missing from the house of the petitioner No. 1, for which the petitioner No. 2 lodged an FIR before the Madanrting Police Station. It is further submitted that the victim girl left the house of the petitioners voluntarily; therefore, the offenses stated in the FIR do not apply to the present petitioners. Hence, at this stage custodial interrogation of the petitioners is not required in this case. Hence, the benefit of pre-arrest bail may be granted to the petitioner.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor submits that investigation is still in progress. At this stage, the privilege of the pre-arrest bail may not be considered to the petitioners.

I have considered the submissions made by the learned counsel for the parties. I have perused the scanned copy of case diary.

It appears that the victim herself left the house of the petitioner No. 1. There is also no allegation in the statement of the victim that she has been engaged by the petitioners in doing sexual activities with other persons. As such, this Court finds that custodial interrogation of the petitioners is not required for the purpose of investigation of the case. Therefore, they are granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners,

named above, in connection with Doomdoo P.S. Case No. 113/2024 under Section 370/374/323/342/34 of IPC r/w Section 75/79 of Juvenile Justice (Care and Protection of Children) Act, 2015 and r/w Section 16 of Bonded Labour System (Abolition) Act, 1976, they shall be released on furnishing bail bond of **Rs.20,000/- each** with **a suitable surety each** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 from disclosing such facts to the Court or to any police officer;

The anticipatory bail application stands disposed of.

Send back the case diary.

**JUDGE**

**Comparing Assistant**