

GAHC010198152024



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

Case No. : Bail Appln./2809/2024

SASANKAR BORUAH
S/O SHRI DHARMESWAR BORUAH
R/O VILL- BHEHPARA
P.O.
P.S. AND DIST. DHEMAJI
ASSAM
PIN- 787057
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. P J SAIKIA
SR. ADV
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.10.2024

Heard Mr. P.J. Saikia, learned Senior counsel assisted by Mr. P.

Bordoloi, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Sasankar Boruah**, has prayed for bail in connection with **Dhemaji P.S. Case No. 157/2024 (corresponding to G.R. Case No. 394/2024)** under Section 96 of BNS, 2023 r/w Section 4/5 of Immoral Traffic(Prevention) Act.

3. It has been submitted by the learned Senior counsel for the petitioner that the case was registered under the provision of Immoral Trafficking Act but the petitioner is no way involved in the alleged offence as stated in the FIR. The name of the petitioner is not mentioned in the FIR. The petitioner has been detained in custody for last 35 days since his arrest on 29.08.2024. Considering the facts in its entirety as well as period of detention, the petitioner may be enlarged on bail.

4. In response, Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and submits that though there is no specific allegation against the petitioner. However, the petitioner was found consuming liquor in the house of Rupali Baruah who used to supply girls as sex worker.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary including the statements of the victims recorded under Section 183 of BNSS, 2023 (under Section 164 Cr.P.C.).

6. The case diary reveals that the investigation is still in progress.

Apparently, on the basis of the materials collected by the investigating officer till date, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Dhemaji P.S. Case No. 157/2024 (corresponding to G.R. Case No. 394/2024)** under Section 96 of BNS, 2023 r/w Section 4/5 of Immoral Traffic(Prevention) Act, on furnishing bail bond of **Rs.50,000/-** with one suitable surety of the like amount to the satisfaction of learned CJM, Dhemaji, Assam.

8. The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Demaji, Assam, without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

9. In terms of the above, this bail application stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant