

GAHC010207712024



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

Case No. : Bail Appln./3088/2024

SMTI. ANITA DEKA
W/O NAYAN DEKA, R/O VILL- SOLMARI, P.S.-BORBARI, P.O.-BAGANPARA,
DIST- BAKSA, BTAD, ASSAM, PIN-781344

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J KALITA,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

21/10/2024

Heard Mr. J Kalita, learned counsel for the petitioner and Mr. P Borthakur, learned Additional Public Prosecutor, Assam for the State.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been

filed by the petitioner, namely, **Smti. Anita Deka**, wife of Nayan Deka, resident of Village-Solmari, P.S. Borbari, District-Baksa (BTAD), seeking bail in connection with **Sipajhar Police Station Case No. 142/2024** registered under Sections 303 (2) of Bharatiya Nyaya Sanhita, 2023, wherein she was arrested on 08.09.2024 and is in custody since then.

3. As per the FIR of the case lodged by the Secretary of the Saladal Mathajhar Village Defence Party on 07.09.2024 before the Officer-in-Charge of Sipajhar Police Station, the villagers of said village noticed that since long some unknown persons used to keep different types of two wheelers in the house of one Sri Tileswar Nath of the said village, suspected to be stolen bikes and scooties. On the night of 06.09.2024, the villagers of the said village noticed that two unknown persons were changing the number plates of the scooties parked in the house of said Tileswar Nath and the concerned Village Defence Party with the help of the other villagers nabbed four such accused persons including Tileswar Nath and his son Bulen Nath and informed police about the same. Accordingly, police apprehended the four accused persons from the house of said Tileswar Nath and seized two Glamour motorcycles, one Venus Scotty and one Antorg Scooty. The said FIR was accordingly registered as Sipajhar P.S. Case No. 142/2024 under Sections 303 (2) of Bharatiya Nyaya Sanhita, 2023.

4. Perused the case diary placed before the Court today by Mr. Borthakur, learned Additional Public Prosecutor, Assam.

5. During the investigation of the case, police arrested many of the accused persons involved in the said racket of stealing of two wheelers including the petitioner. Further, the husband of the petitioner, Nayan Deka along with another accused, Nirmal Kalita escaped from the police custody on 06.09.2024 and they are yet to be apprehended.

6. Case diary reveals that the petitioner used to accompany her husband, Nayan Deka in stealing such two wheelers from different places which are usually kept in the house of the FIR named accused, Tileswar Nath and the other accused persons of the case.

7. Considering such materials in the case diary and considering the fact that husband of the petitioner, who escaped from the police station on 06.09.2024 is yet to be apprehended in the case and since the investigation is still in progress, the Court is of the view that detention of the petitioner since 08.09.2024 cannot be considered for her release on bail in said Sipajhar Police P.S. Case No. 142/2024.

8. Accordingly, this bail application of the petitioner, named above, in said **Sipajhar Police P.S.**

Case No. 142/2024 stands rejected.

9. Return the case diary.

JUDGE

Comparing Assistant