

GAHC010217322024



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

Case No. : Bail Appln./3181/2024

KAMALESWAR BORA
S/O LATE SONARAM BORA, R/O DORIYA VILLAGE, P.O.-KAMALABARI,
P.S.-GARAMUR, DIST- MAJULI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D K KOTOKY, MR. A. AHMED, MR. N BORUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

05/11/2024

Heard Mr. A Ahmed, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, **Sri Kamaleswar Bora**, son of Late Sonaram Bora, resident of Village-Doriya, P.O. Kamalabari, P.S. Garamur, District-Majuli, seeking bail in connection with **Garamur P.S.**

Case No. 42/2024 registered under Sections 3(5)/126(2)/143/351(2) of BNS, 2023 read with Section 3 of Immoral Traffic (Prevention) Act, 1956 corresponding to G.R. No. 94/2024, wherein he was arrested on 25.07.2024 and is in custody since then.

3. As per the FIR dated 24.07.2024, the case is that the petitioner is the owner of a Guest House situated near Kamalabari Civil Hospital and that he is using his said guest house as a brothel for a long period. The neighbours residing in and around the said guest house of the petitioner suspected that such illegal acts are going on in the said guest house of the petitioner and on the date of receipt of information, the neighbours found that suspected persons had entered the said guest house and residing there. Police on getting the said information after registering G.D. Entry visited the guest house of the petitioner but the suspected persons/customers had already fled away and the petitioner along with one lady was taken into custody from the said guest house.

4. Finding sufficient incriminating materials during the investigation of the case, police submitted charge-sheet in said Garamur P.S. Case No. 42/2024 vide Charge-Sheet No. 36/2024 dated 31.08.2024 against the petitioner as well as the other arrested woman under Sections 3(5)/127/143/351(2) BNS, 2023 read with Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act, 1956.

5. Mr. Ahmed, learned counsel for the petitioner placed a certified copy of the order dated 28.10.2024 passed by the learned Sessions Judge, Majuli, whereby the other arrested accused of said Garamur P.S. Case No. 42/2024 has already been released on bail.

6. Perused the records of the case that was called for by order dated 08.10.2024, the statement of the witnesses recorded by the concerned Investigating Officer as well as the statement of witnesses recorded under Section 183 BNSS by the learned Chief Judicial Magistrate, Majuli on 26.07.2024.

7. Though the case diary indicates sufficient incriminating materials against the petitioner pertaining to his involvement in the alleged crime and the bail of the petitioner has also been objected by Mr. Das, learned Additional Public Prosecutor, Assam; however, considering the fact that charge-sheet in the case has already been filed on 31.08.2024 and also considering his length of detention in custody since 25.07.2024, this Court is of the view that further custodial detention of the petitioner, named above, is not warranted to investigate the said Garamur P.S. Case No. 42/2024. As such, this bail application of the petitioner in said Garamur P.S. Case is accepted.

8. Accordingly, the petitioner, namely, **Sri Kamaleswar Bora**, be released on bail in said **Garamur P.S. Case No. 42/2024** registered under Sections 3(5)/127/143/351(2) of BNS, 2023 read with Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act, 1956 corresponding to G.R. No. 94/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Majuli, on conditions that the petitioner – (i) shall appear before the Investigating Officer of said Garamur P.S. Case No. 42/2024 as and when he is required for necessary investigation of the case; (ii) shall not leave the territorial jurisdiction of the Garamur Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) shall not hamper with the investigation, or tamper with the evidence of the case; (iv) 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 them from disclosing such facts to the Court or to any police officer and (v) shall not involve himself in any criminal activities and further shall not indulge with such act again, failing which, the bail granted to him in the aforesaid Garamur P.S. Case No. 42/2024 shall stand automatically vacated.

9. Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant