

GAHC010227332023



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

Case No. : AB/3474/2023

BORSHA HAZARIKA
D/O JAYANTA HAZARIKA
R/O GANAK PUKHURI
P.O. GANAK PUKHURI
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 14.06.2024

Heard Mr. M. Dutta, learned counsel appearing for the petitioner and Mr. K.K.Parasar, the learned Additional P.P. for the State of Assam.

This is an application under Section 438 of the Cr.P.C. in respect of Dispur

P.S. Case No.1827/2023 under Section 379 of the Indian Penal Code, 1860 read with Sections 75/77 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The informant along with her husband runs a rehabilitation centre for druggists.

The present petitioner along with some other persons were working there as employees.

The informant alleged that on 14.09.2023, the present petitioner along with some other employees had left her place and also took away an amount of Rs.1,50,000/- with them.

The informant has further alleged that during their stay in the rehabilitation centre, the employees used to feed her 2 year old daughter Red Bull, Hell and Pepsi.

The learned counsel for the petitioner has submitted that the petitioner was working in the said rehabilitation centre for a monthly salary of Rs.10,000/- and the said rehabilitation centre did not pay her salary for several months. When she demanded her salary, there was a heated exchange of words between the petitioner and the informant and her husband on 13.09.2023, on which date, the informant of this case had asked the petitioner to leave her rehabilitation centre. The petitioner accordingly left the centre on 14.09.2023.

I have found that the case diary has no material to suggest that the petitioner was involved in theft of Rs.1,50,000/-. Moreover, Red Bull, Hell and Pepsi are not intoxicating liquor or narcotic drugs. Therefore, Sections 75/77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is not applicable in this case.

Under the given circumstances, the petitioner does not deserve to be detained in custody. Accordingly, her bail application is allowed.

Therefore, the interim order granted on 27.10.2023 is hereby made absolute.

The bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant