

GAHC010254692024



2024:GAU-AS:12199

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

Case No. : Bail Appln./3666/2024

RAJESH SORAHIA AND ANR
S/O LATE RAMJANAM SORAHIA
R/O JONAI BAZAR,
JONAI, P.S. JONAI, DIST. DHEMAJI, ASSAM

2: BABY PEGU SORAHIA
W/O SRI RAJESH SORAHIA
R/O JONAI BAZAR

JONAI
P.S. JONAI
DIST. DHEMAJI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

03/12/2024

Heard Mr. B K Gogoi, learned counsel for the petitioners and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioners,

namely, **(i) Sri Rajesh Sorahia**, son of Late Ramjanam Sorahia and **(ii) Smti. Baby Pegu Sorahia**, wife of Sri Rajesh Sorahia, both are resident of Jonai Bazar, Jonai, P.S. Jonai, District-Dhemaji, seeking bail in **Silapathar P.S. Case No. 209/2024** registered under Sections 61(2)/143(4) of BNS read with Sections 75/81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, corresponding to G.R. No. 489/2024, wherein they were arrested on 09.11.2024 and are in custody since then.

3. As per the FIR of the case dated 28.10.2024 lodged by the Chairperson of the Child Welfare Committee (CWC), Dhemaji to the effect that on 04.10.2024, a baby girl was born to a parents from a village under Silapathar Police Station at Assam Medical College & Hospital (AMCH), Dibrugarh. But the parents abandoned the said baby girl and fled away from the said hospital. On coming to know about that the child helpline Dhemaji conducted an enquiry and directed the parents to appear before the CWC, Dhemaji to which the parents of the said girl child disobeyed. Later, on 26.10.2024 they claimed that the child died on the way to home from AMCH, Dibrugarh and accordingly, they cremated the said child in the bank of the river Brahmaputra. During the enquiry, it was learnt that the parents of the said newly born girl child sold her to the petitioners with the help of Sri Dilip Saikia and another, Babul Bora. Accordingly, said FIR was registered as Silapathar P.S. Case No. 209/2024 under Sections 61(2)/143(4) of BNS.

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

5. From the note of the Investigating Officer of the case as well as the statement of the mother, i.e., the parents of the said girl child, it is seen that while they returned to AMCH, Dibrugarh to take their newly born girl child, they had to wait for some time for release of the said baby from the hospital and that the petitioners filed their application for adoption of a baby who were at AMCH, Dibrugarh and at that point of time asked them as to whether they will give their baby to the petitioners. Accordingly, they agreed and handed over the baby to the petitioners.

6. Finding such materials in the case diary without any implication of the petitioners in the case, particularly the note of the concerned Investigating Officer, this Court is of the view that further custodial detention of the petitioners, named above, is not warranted to investigate the said Silapathar P.S. Case No. 209/2024. As such, this bail application of the petitioners in said

Silapathar P.S. Case is accepted.

7. Accordingly, the petitioners, namely, **(i) Sri Rajesh Sorahia**, and **(ii) Smti. Baby Pegu Sorahia**, be released on bail in said **Silapathar P.S. Case No. 209/2024** registered under Sections 61(2)/143(4) of BNS read with Sections 75/81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, corresponding to G.R. No. 489/2024, on furnishing a bail bond of Rs.20,000/- each, with 2 (two) local sureties each of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhemaji, on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Silapathar P.S. Case No. 209/2024 as and when they are required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of Silapathar 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 themselves in any criminal activities in future, failing which, the bail granted to them in said **Silapathar P.S. Case No. 209/2024** shall stand automatically vacated.

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

9. Return the case diary.

JUDGE

Comparing Assistant