

(2021) 07 GAU CK 0105
In the Gauhati High Court
Case No : Bail Application No. 1649 Of 2021

Nehemiah Saithuvai And 7 Ors

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 307, 325, 342, 354B, 367

Assam Witch Hunting (Prohibition, Prevention & Protection) Act, 2015 — Section 4, 7, 8, 9, 10

Citation : (2021) 07 GAU CK 0105

Hon'ble Judges : Hitesh Kumar Sarma, J

Bench : Single Bench

Advocate : J Laskar

Final Decision : Disposed Of

Judgement

The Court proceedings have been conducted through Video-Conference due to Covid-19 pandemic.

This is an application made under Section 439 Cr.P.C., seeking bail by the accused-petitioners, namely, 1. Nehemiah Saithuvai, 2. Lianthang Khelma,

3. Para Thursu, 4. Thangpui Saithuvai, 5. Chungnangzem Saithuvai, 6. Suampui Kholumi, 7. Thoi Neibom and 8. Bonny Kiling , in connection with

Umrangso Police Station Case No. 13 of 2021, registered under Sections 120(B)/367/342/354(B)/325/307 of the IPC, read with Sections 4/7/8/9/10 of

the Assam Witch Hunting (Prohibition, Prevention & Protection) Act, 2015.

Heard Mr. J. Laskar, learned counsel representing the accused-petitioners and Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

Mr. Laskar, learned counsel for the petitioner has submitted that vide order, dated 20-07-2021, passed in Bail Application No. 1410/2021, two co-

accused were granted bail after perusal of the case diary and medical report of injury and considering the length of detention of the accused-

petitioners in custody.

The accused-petitioners in the aforesaid bail application were in custody for 55 days on the date of grant of bail to them. It has clearly been indicated

in the said order that the injury sustained by the injured/victim are simple in nature. However, the present petitioner Nos. 1 and 2 are in custody for 63

days as on date and the petitioner Nos. 3 to 8 are in custody for 58 days as on date.

Considering the length of detention, the nature of injury sustained by the injured/victim and also with a view to maintain parity, the petitioners are

granted bail.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of

Rs.15,000/- each with two suitable sureties each of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Dima Hasao, Haflong.

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

(a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Dima Hasao, Haflong, without prior written permission from him;

(b) shall not hamper with the investigation of the case and 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.

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

Return the case diary.