

GAHC040003142021



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

Case No. : BA 12/2021

1:Tana Loma
AGED ABOUT 27 YRS, S/O SHRI TANA TECHI, RESIDENT OF GUMTO
VILLAGE, PO/PS DOIMUKH, DISTRICT PAPUM PARE, AP.

VERSUS

1:THE STATE OF AP
REPRESENTED BY PUBLIC PROSECUTOR.

Advocate for the Petitioner : Chorpok Modi

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 31-03-2021

Heard the learned counsel, Mr. A. Saring appearing for the accused applicant.
Also heard Ms. L. Hage, learned Addl. P.P. for the State of Assam.

2. This is an application filed under Section 439 of the Cr.P.C., praying for releasing the accused applicant, namely, *Ms. Tana Mema* on bail in the matter of Doimukh P.S. Case No. 09/2021, under Sections 365/305/323/395 of the IPC read with Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.

3. On the day of the occurrence, a 16 year old boy who was studying in Class-VII

was beaten up by two men and three women, led by *Techi Raju*. These persons also forcibly took away the mobile handset of the deceased boy. Subsequently, on the same day, the boy committed suicide by hanging himself.

4. The Case Diary reveals that the deceased boy was having some sort of relationship with the daughter of *Techi Raju*. Therefore, on the day of occurrence, *Techi Raju*, his wife and his relatives, including the present applicant caught the deceased boy and took away his mobile phone.

5. Police Registered the Case under Sections 305 and 395 of the IPC along with some other Sections of law.

6. The Case Diary does not reveal that the present accused applicant had ever abetted the suicide committed by the deceased. So far as snatching away of the mobile phone from a person is concerned, it is not a serious offence.

7. Considering the aforesaid facts, and also considering the fact that the present accused applicant is a young girl of about 20 years. Therefore, this Court is of the opinion that the accused applicant does not deserve to be detained in custody for any further period of time.

8. Accordingly, the bail prayer of the accused applicant is allowed.

9. It is hereby directed that the accused applicant, namely, *Ms. Tana Mema* in connection with Doimukh P.S. Case No. 09/2021, under Sections 365/305/323/395 of the IPC read with Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, shall be released on bail on furnishing a bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) only, with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Yupia.

10. The bail application is disposed of, accordingly.

JUDGE

Comparing Assistant