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

Case No. : : I.A.(Crl.)/617/2025

ASHOK TANTI
S/O. LT. HARIDAS TANTI
R/O. ORANGAJULI TEA ESTATE
P/S. PANERY
DIST. UDALGURI
ASSAM.UDALGURI
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. U J SAIKIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 17.02.2026

Heard Mr. U.J. Saikia, learned Counsel for the applicant and. Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

This is a application filed under Section 430 of the BNSS, 2023 for suspension of sentence and bail of the applicant in connection with judgment and order passed by the Sessions Judge, Udalguri, Assam in Sessions Case No. 26 of 2024 by which the applicant was convicted under Section 370 (4) of the IPC and was sentenced to undergo rigorous imprisonment for 10 years with fine and default stipulation.

The case started with lodging of the ejahar, wherein it is stated that the sister of the informant who was 15 years of age was not found at her home and on inquiry being made by the informant, it was found out that petitioner and one Gautam Topu were taking the victim by inducing her with threat to Delhi on the promise that the victim would get better opportunities. In the said FIR, the informant stated that he immediately called up the applicant to bring back his sister home and that at 09:00 pm on the same day, the applicant dropped his sister to her garden home. Further, it is alleged that the family members of the applicant offered him money and threatened him and also threatened the members of the organization. Accordingly, the informant lodged the ejahar against the actions of the accused persons including the petitioner to avoid incidence of women trafficking and for justice.

Mr. U.J. Saikia, learned counsel for the applicant submits that the victim had given her statement both before the Trial Court and the Magistrate and in her statement she stated before the Magistrate that the applicant wanted to take her to Delhi by train saying that he will give her work there and when the preparations were going on to go to Delhi her brother reached the railway station and brought her home.

Mr. U.J. Saikia, learned counsel for the applicant submits that the

victim before the Trial Court had stated that the applicant induced her to go to Delhi to give her good living facility and to get double remuneration for her work and that when she and the applicant reached the railway station her brother gave the applicant a call and that the applicant brought her back to her house. This witness stated during her cross-examination that she was not forcefully taken by the applicant or other persons and that she voluntarily boarded the vehicle.

Mr. U.J. Saikia, further submitted that although her consent will not matter since she is a minor and he submits that the applicant was on bail during the trial and he never misused the same and that the applicant has been inside for almost a year from the date of judgment and he states that the victims were from a tea garden and became victim of circumstances of the case.

Mr. M.P. Goswami, learned Additional Public Prosecutor for the State, however, submits that luring minor victims to go to other places for monetary benefits and good standard of living and transporting them from the lawful guardianship is a serious offence and that from the evidence of witnesses, it has become crystal clear that the applicant had seduced a victim for going to other metropolitan cities luring her for better income. As such he submits that no suspension of sentence and bail should be granted to the applicant.

On consideration of the submissions made by the parties more so due to the fact that the brother of the victim called a petitioner concerned and told him to bring back the girl to which the applicant had brought back the girl to her home and also due to the fact that the victim girl had stated no force has been used upon her and she being a girl of 15 years of age, this

Court finds it fit to suspend the conviction and sentence imposed upon the applicant by judgment dated 03.04.2025 and order dated 07.04.2025 and release the applicant on bail on furnishing of a bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of the learned Sessions Judge, Udalguri, Assam with the condition that the applicant will never approach any minor girl much less the victim in the present proceeding for any reason whatsoever and if he is found doing the same necessary orders will follow.

I.A. stands disposed of.

JUDGE

Comparing Assistant