

GAHC040007072025



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

Case No. : Crl.Petn.(Suo Moto)/1/2025

INRE
Gauhati High Court Itanagar Permanent Bench

VERSUS

Bulang Marik
Son of Late Bulang Mangha, resident of Papu Nallah, near Hormin Hospital, Jullang Road, PO and PS Papu Hill, Papum Pare District, Arunachal Pradesh.

Advocate for the Petitioner : Muk Pertin, Senior Advocate, SC Gauhati High Court

Advocate for the Respondent : Marto Kato, Tony Meto, Yasmin Gao, Mepe Ete, Sabda R Rabha, Amicus Curiae, Dicky Panging, P P of AP

WP(C)/195/2025

Bulang Marik
Age: 54
Occupation :
Address: Son of Late Bulang Mangha
resident of Papu Nallah
near Hormin Hospital
Jullang Road
PO and PS Papu Hill
Papum Pare District
Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
Age: 0

Occupation :
Address:represented by the Chief Secretary
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

2:The Commissioner of Home
Age: 0

Occupation :
Address:Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

3:The Deputy Secretary (Home)
Age: 0

Occupation :
Address:Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

4:The Under Secretary (Home)
Age: 0
Occupation :
Address:Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

5:The Director General of Police
Age: 0
Occupation :
Address:Govt of Arunachal Pradesh
Itanagar
PHQ Chimpu
Itanagar.

6:The Commandant
Age: 0
Occupation :
Address:1st APP Bn
Govt of Arunachal Pradesh
BHQ Chimpu
Itanagar.

Advocate for : Marto Kato
Advocate for : GA (AP) appearing for The State of AP and 5 Ors: Advocate ,

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, appearing for 2,
3,
4,
5,
6, respectively.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.05.2025

Heard Shri Muk Pertin, learned Senior Counsel as well as Standing Counsel, Gauhati High Court. Also heard Shri T Ete, learned Addl. PP, AP as well as Shri D Panging, learned Amicus Curiae for the victim whereas Shri SR Rabha, learned counsel appears for the respondent-petitioner, Shri Bulang Marik.

2. A very serious issue has confronted this Court while taking up the connected WP(C)/195/2025. The said writ petition was filed for reinstatement of the petitioner. The petitioner in that writ petition appears to have been suspended pursuant to his arrest in connection with Itanagar Women PS Case No. 20/2024 under Section 376 of the IPC, the POCSO Act and the Immoral Trafficking (Prevention) Act. While considering the said writ petition, this Court had noticed that the order of bail which was passed by the learned trial Court did not reflect that the victims were in fact heard. Accordingly, the present *suo moto* proceeding was directed to be initiated which was taken up on 09.05.2025. On the said date, this Court had passed elaborate order

touching upon the facts of the case and also discussed the guidelines passed by this Court in notification No. 17, dated 15.03.2024 which was in accordance with an order dated 23.06.2023 passed by this Court in the **Crl. Appl.(J)/40/2022 (*Dipak Nayak Vs. State of Assam & Ors.*)**. Accordingly, notice was issued as to why the bail should not be cancelled.

3. In today's proceeding, Shri Pertin, learned Senior Counsel has assisted this Court by contending that from a perusal of the records, the aspect of hearing the victim which is mandatory in nature was not followed. He has, however informed that apart from the present incumbent, there are 8 other incumbents who were granted bail vide order dated 18.01.2025 by the learned trial Court, the names of whom are given below:

- i) Michi Tabin;
- ii) Debia Tara;
- iii) Senlar Ronya;
- iv) Neelam Mangha;
- v) Jamlo Tagung;
- vi) Rido Nime;
- vii) Bamang Moses;
- viii) Purnima Mili;
- ix) Inamul Haque and
- x) Puspanjali Mili.

4. He accordingly submits that notice for cancellation of bail is also required to be

issued to the other accused persons.

5. Shri Rabha, learned counsel for the accused-respondent has, however submitted that his client did not have any role in the procedure which was to be followed and bail was granted in accordance with law which is not liable to be cancelled. He has also submitted that no fault can be attributed to his client for the bail granted to him by the learned trial Court.

6. Shri Ete, learned APP has submitted that the guidelines framed vide Notification No. 17, dated 15.03.2024 by the High Court after the case of ***Dipak Nayak*** (*supra*) are mandatory in nature as the objective thereof is to give the victim not only an opportunity but an effective hearing before passing any orders in an application/appeal filed by the accused persons involving POCSO Act.

7. Shri Panging, learned Amicus Curiae who has been appointed on behalf of the victim has, however submitted that apart from the names which have been given by the learned Senior Counsel for the High Court, it appears that in total, there are 20 accused persons who were granted bail and similar procedure is also required to be taken against them.

8. Considering the above, let notice be issued to the persons whose names have been reflected in paragraph no. 3 of this order.

9. The notices to the aforesaid persons are to be transmitted through the learned Special Court.

10. The addresses of the persons are to be obtained by the Registry of this Court from the records of the case which have been transmitted to this Court. The learned

trial Court is also required to transmit the copies of the bail orders for rest of the accused persons to examine as to whether the guidelines laid down in Notification No. 17, dated 15.03.2024 were followed to enable this Court to pass further orders.

11. List these cases on 03.06.2025.

JUDGE

Comparing Assistant