GAHC040015822026

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

Case No. : BA/91/2026

Tayor Kochung
Son of Late Tanya Kochung, resident of ESS Sector, Itanagar, PO and PS Itanagar, Papum Pare District, Arunachal Pradesh 791111

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Jambey Tsering Kee, Techi Topu,Karjum Karlo,Tegelum Tolo,Jumken Ete,Aruna Rai,Reken Ingo

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG
ORDER

28.09.2026

Heard Mr. J. Tsering Kee, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

2. The petitioner, who is the husband of the accused, filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the accused, Smti. Gumnya Kochung, in connection with Namsai P.S. Case No. 54/2026, registered under Sections 137(2)/140(3)/143(5) of the Bharatiya Nyaya

Sanhita, 2023, *read with* Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. The accused, Smti. Gumnya Kochung, was arrested on 18.08.2026. She was initially remanded to police custody for six days and thereafter to judicial custody on 24.08.2026. Earlier, a bail application filed for the release of the accused was already rejected on 31.08.2026, and the subsequent bail application was also rejected on 07.09.2026 by the learned Sessions Judge, Tezu.

4. Learned counsel for the petitioner submits that the accused has been in custody since 18.08.2026 and that her custodial interrogation has already been completed. It is further submitted that the accused has cooperated with the investigation of the case and that her further custodial interrogation/detention is not necessary.

5. Learned Additional Public Prosecutor opposes the prayer for bail and submits that the materials collected during the investigation of the case disclose the active involvement of the accused in the case. It is submitted that she facilitated the procurement and placement of minor children with different individuals.

6. The case diary as called for and the report regarding the progress of the investigation has been received and perused. As per the case diary, the materials collected during the investigation disclose that the accused has allegedly been involved in the present case as a facilitator in arranging and placing minor children with different person at different places. During her examination, the accused disclosed several instances involving minor children who were allegedly procured and thereafter placed with different persons at Mechuka, Itanagar, Pasighat and other places. The case diary also reveals alleged payment of money to the parents of the minor children, receipt of money by other persons involved in the placement, and payment of commission to some intermediaries.

7. During the course of investigation, it was found that, so far, the procurement and placement of 14 children were connected with the present accused. The Investigating Officer of the case has recorded the statements of minor children as well as the statements of their parents/guardians. The case diary further discloses that, in the present case, altogether 41 children have so far been traced and recovered, and five accused persons, including the present accused, have been arrested.

8. The Investigating Officer has submitted a report regarding the present status of the investigation under the subject "Bail Comments/Progress of Investigation" in connection with the present case. It is stated in the status report that the accused was interrogated in detail during police custody and that she cooperated with the investigation and her custodial interrogation has been completed. It is also stated that the statements of the children connected with the present accused and their parents/guardians have also been recorded.

9. However, the Investigating Officer has further reported that the financial aspect relating to the accused is still under investigation. A requisition in this regard under Section 94 of the BNSS has already been issued to the concerned bank for obtaining the relevant account number and transaction records and the same are still awaited. The call detail records have been received and are presently under examination and correlation with the other materials collected during the investigation. The investigation is also continuing in respect of the other persons involved and the circumstances relating to the placement of the children.

10. Thus, it is submitted that although the custodial interrogation of the accused has been completed, the case is still under active investigation. The materials collected so far during the investigation disclose a specific role attributed to the accused in facilitating the placement of several minor children. The investigation further indicates alleged monetary transactions connected with the procurement and placement of the children.

11. The allegations are serious in nature and concern the safety, welfare and protection of minor children. The number of children allegedly connected with the petitioner and the manner in which they were allegedly procured and placed with different persons are to be taken into account while considering the prayer for bail of accused person in the present case.

12. Learned counsel for the petitioner has also questioned the legality of the remand proceedings including the remand by the Executive Magistrate and submitted that the accused was illegally detained pursuant to the order passed by the Executive Magistrate, contending that the Magistrate does not have the power to grant remand beyond a certain prescribed period as provided under BNSS.

13. This Court has considered the submissions advanced by learned counsel for the petitioner. However, in view of the fact that the accused person is presently in judicial custody pursuant to subsequent remand proceedings, and having regard to the materials presently available in the case diary as well as the status report, this Court does not consider it necessary to examine the validity of the earlier remand order in detail for deciding the present bail application. The petitioner may avail such other remedy as may be available to the accused person in accordance with law.

14. It is to be stated that, at the stage of consideration of bail, the Court is not required to conduct a detailed examination of the evidence or record any finding of guilt or otherwise against the accused. The materials contained in the case diary, however, disclose sufficient *prima facie* material regarding the alleged involvement and role played by the accused in the case. The investigation regarding the financial transactions and other connected aspects is also in progress.

15. At the stage of consideration of bail, this Court is not required to conduct a detailed examination of the evidence, record a finding of guilt, or conduct a mini-trial of the case. The materials so far collected in the case, as reflected in the case diary,

however, disclose sufficient *prima facie* material regarding the alleged role of the alleged accused.

16. Having regard to the nature and gravity of the allegations, and considering the materials available on record, the number of children allegedly connected with the accused, the specific role attributed to the accused, and the fact that important aspects of the investigation are still pending, this Court is not inclined to exercise its discretionary jurisdiction under Section 483 of the BNSS in favour of the accused person at this stage.

17. Accordingly, this bail application stands rejected and disposed of.

18. Return the case diary.

JUDGE

Sabnam Mepo (SPA)