

GAHC010003822023



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

Case No. : Bail Appln./91/2023

DIBYA JYOTI GOGOI
S/O- AJIT GOGOI, R/O- VILL- CHAULDHOWA BALIGAON, P.O- GOGAMUKH,
P.S- GOGAMUKH, DIST- DHEMAJI, ASSAM, PIN- 787034

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SARITA SHARMA
W/O- SHANKAR SHARMA
R/O- JANJI
AMGURI
P.S- AMGURI
DIST- SIVASAGAR
ASSA

Advocate for the Petitioner : MS M BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

09.01.2023

This is an application filed under Section 439 of the CrPC, 1973, by the accused/petitioner, Shri Divya Jyoti Gogoi, praying for granting bail in connection with

Dibrugarh P S Case No. 729/2022, under Sections 120(B)/341/395/ 307/143 IPC.

Heard Mr T J Mahanta, learned Senior Counsel for the petitioner and Mr B Sarma, learned Additional Public Prosecutor for the State of Assam.

It is submitted by the learned Senior Counsel for the accused/petitioner that after filing of the bail application, he came to know that he was selected to undergo winter training scheduled to be held at ONGC, vide notification dated 25.11.2022 and the said training has commenced on 01.01.2023 and it will end on 30.01.2023 and as such, he may be allowed to go on interim bail during the said period, because his academic career should not be affected. It is also submitted that the said training was compulsory under his subjects of Masters Degree, i.e., Applied Geology.

On the other hand, learned Additional Public Prosecutor has submitted that on the same ground, this Court has rejected the bail prayer of the accused petitioner vide order dated 28.12.2022, passed in Bail Application No. 3484/2022. So, further consideration of the bail prayer of the accused/petitioner, on the same ground does not arise at all.

I have considered the submission of the learned counsel for both the parties.

It appears from the record that earlier, this Court, after perusal of the Case Diary and other materials on record, rejected the bail prayer of the accused petitioner, on the same ground and this is the second bail application, where the learned Senior Counsel for the accused/petitioner has prayed for bail on the ground that he was selected to undergo winter training at ONGC, scheduled to be held w.e.f. 01.01.2023 to 30.01.2023.

Learned Senior Counsel for the petitioner, thus submitted that though the training has already commenced, but on an approach made by the father of the accused/petitioner before the concerned authority, they asked the petitioner to attend the training at the mid-session, but according to the learned counsel for the accused petitioner, only on the verbal prayer of the father of the accused petitioner, the accused petitioner was allowed to appear in the mid-session.

It is seen that this Court has rejected the bail prayer of the accused/petitioner, on the

same ground and no any new ground has been shown by the learned Senior Counsel for the petitioner to consider his bail prayer.

In view of above, the bail application stands rejected accordingly.

JUDGE

Comparing Assistant