

GAHC010025152023



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

Case No. : AB/395/2023

SATYANATH KONWAR AND ANR.
S/O- LATE TILSWAR KONWAR, R/O- VILL.- BHEHPARA, WARD NO. 10, P.S.
AND DIST. DHEMAJI, ASSAM

2: GEORGE PAL KONWAR
S/O- SRI SATYA NATH KONWAR
R/O- VILL.- BHEHPARA
WARD NO. 10
P.S. AND DIST. DHEMAJI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. B K MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 20.02.2023

Heard Mr. A. Choudhury, learned counsel for the petitioner. Also heard Mr.

Bhaskar Sarma, learned APP appearing for the State.

Apprehending arrest in connection with Dhemaji P.S. Case No. 06/2023 under sections 120(B)/302 IPC, the petitioners, namely, (1) Satyanath Konwar and (2) George Pal Konwar have filed this application under section 438 Cr.P.C.

The learned APP has produced the case diary and has opposed the prayer for pre-arrest bail.

On perusal of the case diary, it appears that one of the co-accused, namely, Alok Konwar, who is the Sub-Inspector of Police, in course of a boundary dispute, shot down a person with his service revolver. On perusal of the case diary, the Court does not find any incriminating materials against the petitioners of committing the offence of murder.

Therefore, as the petitioner no.1 is already on interim bail by order dated 13.02.2023, the Court is of the considered opinion that his custodial interrogation is not necessary. Accordingly, the interim pre-arrest bail granted to the petitioner no.1, namely, Satyanath Konwar vide order dated 13.02.2023 is made absolute. Insofar as the petitioner no.2 is concerned, the Court is inclined to grant pre-arrest bail to the petitioner no. 2 by providing that in the event of arrest of the petitioner no.2, namely, George Pal Konwar in connection with the aforesaid case, he shall be released on pre-arrest bail on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the arresting officer.

The pre-arrest bail is granted on the following conditions:

1. Both the petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.

2. Both the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. Both the petitioners shall not obstruct the smooth progress of the investigation/trial.
4. Both the petitioners shall not misuse their liberty in any manner.
5. Both the petitioners shall appear before the I/O within 10 (ten) days from today and they shall continue to appear once in a month till their appearance is dispensed with or charge-sheet is filed, whichever is earlier.

Application stands disposed of.

Case diary returned.

JUDGE

Comparing Assistant