

GAHC010035862023



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

Case No. : AB/553/2023

MILANDWIP DAS
S/O- LATE TARUN DAS, R/O. WARD NO. 2, BARPETA, P.O. AND P.S.
BARPETA, DISTRICT, BARPETA, ASSAM- 781301.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. D HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

16.05.2023

Heard Mr D Hussain, learned counsel appearing for the petitioner and Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 438 CrPC, the petitioner, Sri Milandwip Das, has sought for pre-arrest bail, apprehending his arrest in connection with Geetanagar PS Case No. 28 of 2023, registered under Sections

326/307/34/120(B)/294/506 IPC

3. Learned counsel for the petitioner has submitted that the name of the accused petitioner is not mentioned in the FIR and he was not present when the incident took place. It is further submitted that the petitioner is the employee of LNT Company. As such, Police is in search of him.

4. Learned Additional Public Prosecutor has submitted that the injury report of the victim is not yet received, however, the discharge slip of the victim has been submitted, which reveals that the victim had sustained injury on his eyes. It is further stated that as per the statement of the victim, he could not identify as to who had assaulted him. So, he submits that he has no objection if the accused petitioner is extended the privilege of pre-arrest bail.

5. I have considered the submissions made by the learned counsel for both the parties. Perused the Case Diary, including the statement of the victim.

6. From the statement of the victim, it reveals that about 22/25 persons had attacked him in front of the parking area of zoo and they had assaulted him. However, the victim did not utter a single word specifically, as to who had assaulted him. The FIR was lodged by the victim alleging that a group of persons had attacked him, as a result of which, he had sustained injuries on his person.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for both the parties as well as the statement of the victim, this Court is of the opinion that the privilege of pre-arrest bail can be extended to the petitioner, Sri Milandwip Das.

8. Accordingly, it is provided that in the event of arrest in connection with Geetanagar PS Case No. 28 of 2023, the petitioner, namely, Sri Milandwip Das, shall be released on pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees Twenty Thousand), with one surety of like amount to the satisfaction of the arresting authority. The above privilege is,

however, subject to the following conditions:

- (i) the petitioner is directed to appear before the Investigating Officer within a period of 10 (ten) days from today.
- (ii) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (iii) that the petitioner 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 the Court or to any police officer.
- (iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission of the Court. In case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

9. With the aforesaid observations and directions this Anticipatory Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant