

GAHC010035872023



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

Case No. : Bail Appln./584/2023

AJIT BARMAN
S/O HEMANTA BARMAN
R/O HOUSE NO. 3, GANESH NAGAR,
BAMUNIMAIDAN, P.S. CHANDMARI, GUWAHATI-781003,
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

27.02.2023

1. Heard Mr. F. Hoque, learned counsel appearing for the petitioner as well as Mr. B.B. Gogoi, learned Addl. P.P. appearing for the State respondent.
2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Ajit

Barman, who is in judicial custody since 04.02.2023, in connection with Geetanagar P.S. Case No. 28/2023, (corresponding to G.R. No. 699/2023), registered under Section 326/307/392/34/120(B)/294/506 IPC.

3. The petitioner has prayed for bail on the grounds of parity. It is submitted that the co-accused have already been enlarged bail vide order dated 17.02.2023 in connection with Bail. Appln. 536/2023 and vide order dated 08.02.2023 in A.B. No. 365/2023.

4. I have considered the submissions at the Bar. The FIR unfolds that on 31.01.2023 at about 2:24 PM when the informant was in Jayanta Das's house, a person who introduced himself to be Tirtha Pratim Das, an agent of LNT Finance company called his driver Sri Devraj Gogoi over phone and verbally abused him and threatened him as he had purchased one scooty under insurance scheme. Then Jayanta Das spoke to the person who also hurled abuses at him, and dared him to meet outside the Assam State Zoo.

5. The informant accompanied by Jayanta Das, two of his bodyguards and driver went to meet the caller. Then the said person who called the driver over phone accompanied by 20-25 odd miscreants assaulted the informant and Jayanta Das as well, and Jayanta Das had sustained grievous injuries on his eye and other parts of his body and was rendered unconscious and he is under treatment at Nemcare hospital. The informant also underwent treatment. The miscreants also snatched away the informant's gold wrist chain and cash, from the informant.

6. I have also considered the prayer of parity. The petitioner has pledged to co-operate with the remaining part of the investigation as well as to co-operate with the trial. The petitioner is a local resident.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed.

8. The petitioner is to be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of learned CJM, Kamrup (M),

under the conditions that:-

- (i) the petitioner will co-operate with the investigation and will not exercise threats to the witnesses,
- (ii) the petitioner will refrain from such activities with which he is alleged and,
- (iii) the petitioner will not tamper with the evidence.

This petition stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant