

GAHC010038122023



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

Case No. : Bail Appln./617/2023

DILIP CHAUHAN @ DISI CHAUHAN AND ANR
S/O LATE RAJENDRA CHAUHAN
R/O VILL- MAJAIHADI
P.S. KHERONI
DIST. WEST KARBI ANGLONG, ASSAM

2: SRI ASHOK CHAUHAN
S/O SRI SURENDRA CHAUHAN
R/O VILL- RONGNAGAR
P.S. BOKOLIA
DIST.KARBI ANGLONG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. P BARMAN (BORKAKOTI)

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 15.03.2023

Heard Mr. S. K. Singh, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who have been languishing in jail hazot in connection with Kheroni P.S. Case No. 04/2023, under Sections 143/294/341/353/323 of the Indian Penal Code, corresponding to G.R. Case No. 08/2023, pending before the Court of learned Chief Judicial Magistrate, West Karbi Anglong, Hamren, Assam.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. S. K. Singh, that the accused/petitioners are innocent and they have not committed any offence as alleged in the F.I.R. It is a fact that on the day of incident, the petitioners, along with some others, while they were working in a sugarcane field, the informant, who came in a civil dress, tried to arrest them and when their family members enquired about the reason for arrest, there was an altercation between them and the police personnel. Apart from that, nothing had happened as alleged in the F.I.R. Further it is submitted by the learned counsel for the petitioners that the accused persons are behind the bar since 19.01.2023 and thus, the I.O. got sufficient time for their custodial interrogation

and hence, considering their length of detention, they may be enlarged on bail.

In this context, the learned Additional Public Prosecutor, Mr. K. K. Das, has submitted that there are sufficient incriminating materials against the present accused/petitioners in the Case Diary and they have also confessed before the I.O. regarding their involvement in the alleged offence. However, it is submitted by the learned Additional Public Prosecutor that there is no note from the side of the I.O. as to whether the Charge-Sheet will be filed within 2-3 days. Accordingly, it is submitted by the learned Additional Public Prosecutor that considering the length of detention undergone by the accused/petitioners, their bail prayer may be considered.

After hearing the submissions made by the learned counsels of both sides and also considering the length of detention already undergone by the accused/petitioners, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners keeping them in custody and accordingly, I find that further custodial interrogation of the accused/petitioners is not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hamren, the accused/petitioners, namely, (i) Shri Dilip Chauhan @ Disi Chauhan & (ii) Shri Ashok Chauhan, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that 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 the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Hamren, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant