

GAHC010041802023



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

Case No. : Bail Appln./694/2023

YOGENDRA PANDEY
S/O LATE MAHADEV PANDEY,
VILL.- HARSULAH, I,
P.S.- KOPA,
DIST.- CHAPRA, BIHAR.

VERSUS

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

Advocate for the Petitioner : MR. J M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.03.2023

Heard Mr. J. M. A. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot in connection with Sonai P.S. Case No. 06/2023, under Sections 306/34 of the Indian Penal Code.

The case was fixed today for Case Diary only to see the progress of the investigation and to consider as to whether the custodial interrogation of the accused/petitioner is necessary in this case or not. However, it is submitted by the learned Additional Public Prosecutor, Mr. D. Das, that the I.O. could not furnish the Charge-Sheet though today is 56 days. It is also submitted that the I.O. could not furnish the Case Diary as the same has already been sent to the Court of learned Chief Judicial Magistrate, Cachar, Silchar, for amalgamation of U.D. Case registered in connection with this case. Further it is submitted by the learned Additional Public Prosecutor that through Whatsapp message, it is also inform to him by the I.O. that the Charge-Sheet could not be filed due to non-receipt of FSL report of viscera which was sent for examination.

After hearing the submissions of learned counsels of both sides, it is seen that though the accused/petitioner is in custody for last 59 days, yet till date the I.O. could not furnish the Charge-Sheet nor there is any probability of furnishing the same within 1-2 days as the Case Diary has already been sent to the learned Chief Judicial Magistrate, Cachar, Silchar for amalgamation of U.D. Case record, and also the report of viscera is not received from the FSL. So, considering the entire aspects of the case, viz-a-viz the length of detention undergone by the accused/petitioner, I find it appropriate to allow the accused/petitioner on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Cachar, Silchar, the accused/petitioner, namely, Yogendra Pandey, be enlarged on bail, subject to the following conditions:

- (i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicant 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 applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Cachar, Silchar, without prior permission.

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

JUDGE

Comparing Assistant