

GAHC010054952023



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

Case No. : Bail Appln./916/2023

RUPCHAN @ RUPCHAN ALI
S/O ARMAN ALI
R/O SANIADI
P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

12.04.2023

Heard Mr. S.M. Abdullah P, learned counsel for the accused-petitioner. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam for the State and Mr. L. Mohan, learned counsel for the informant.

- 2.** This bail application has been filed by the accused petitioner namely, Rupchan @ Rupchan Ali, seeking bail in connection with Hajo P.S Case No. 119/2023 under Sections 120(B)/326/307/379 of the IPC. The accused petitioner was arrested on 24.02.2023 and since then he has been in custody.
- 3.** This Court vide orders dated 14.03.2023 and 30.03.2023, the case diary along with medical report of the injured person were called for.
- 4.** Today when the matter is called up, the learned Addl. Public Prosecutor, Assam submits that the case diary is available but the medical report called for is not available.
- 5.** Mr. L. Mohan, learned counsel for the informant submits that the informant sustained injuries inflicted by the petitioner. Therefore, prayer for bail be rejected at this stage.
- 6.** The learned counsels for the parties have been heard. The bail application has been perused. The case diary also has been perused carefully.
- 7.** It is seen that the matter is under investigation and the charge-sheet has not yet been filed although statements of the witnesses have already been recorded.
- 8.** From the case diary, it is seen that no materials are available as to when the charge-sheet is likely to be filed. Although the learned Addl. Public Prosecutor and Mr. L. Mohan have objected to grant of bail.

9. Upon consideration of the entire materials available in the case diary as well as the submissions made by the learned counsels for the parties, this Court is of the view that taking into account the period of detention undergone and the extent of investigation carried on by the I.O., the prayer for bail can be granted by this Court.

10. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with above noted case on furnishing bail bond of **Rs.20,000/- (Rupees Twenty Thousand only)** with one local surety of like amount to the satisfaction of the learned JMFC, Hajo. Kamrup, subject, of course, to the following conditions:

(i) That the accused-petitioner shall appear before the JMFC Court as and when required;

(ii) That the accused-petitioner shall not hamper or tamper with the investigation in any manner;

(iii) That the accused-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; and

(iv) That the accused-petitioner shall not leave the jurisdiction of the concerned Hajo P.S without obtaining prior permission from the concerned Court.

11. Accordingly, the bail application stands disposed of.

JUDGE

Comparing Assistant