

GAHC010065642023



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

Case No. : AB/1126/2023

KHANJAN GOHAIN AND ANR
S/O SRI BIREN GOHAIN
R/O VILL- HARMALI NO. I,
BAGARI, P.O. MARBIL, UNDER LALUK POLICE STATION, IN THE DISTRICT
OF LAKHIMPUR, ASSAM, PIN CODE-787160.

2: SRI CHANDAN HAZARIKA
S/O LATE MADAN MOHAN HAZARIKA
R/O NARAGAON
P.O. NARAGAON

UNDER PANIGAON POLICE STATION
IN THE DISTRICT OF LAKHIMPUR
ASSAM
PIN CODE- 78705

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P KATAKI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 26.05.2023

Heard Ms R. Begum, learned counsel appearing for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. This Anticipatory bail petition has been filed by the petitioners, namely, 1. Sri Khanjan Gohain and 2. Sri Chandan Hazarika are apprehending arrest in connection with Panbazar Police Station Case No. 59/2023, under Sections 341/353/326/382/34 of IPC.

3. Learned counsel for the petitioner submits that by an FIR dated 04.03.2023 the informant, one, Deepjyoti Das alleged that on the night of the occurrence i.e. on 03.03.2023 at about 11.45 p.m while he was on duty going from the Coaching Maintenance Depot to Area Control Office, Guwahati by way of Bedroll Office, some of the students of Cotton University stopped him and all of a sudden assaulted him with dangerous weapon and injured him and also snatched away a gold chain worth Rs.1,50,000/- (Rupees one lakh fifty thousand) only and took away cash amount of Rs.5,000/- (Rupees five thousand) only. Because of the injuries sustained he was taken for medical treatment and which resulted in stitches on his face as well as treatment for internal bleeding caused due to assault.

4. This Court by earlier order dated 28.03.2023 while calling for case dairy had granted interim bail to the petitioners.

5. The case dairy called for has been produced by Mr. B.B. Gogoi, learned Additional Public Prosecutor appears for the State of Assam. The case dairy produced has been carefully perused.

6. The Medical Report does not give any opinion of the Medical Expert and the same is shown to be reserved by the Medical Expert.

7. The investigations in the matter has progressed and the statements of the accused *prima facie* does not implicate the petitioners, however, there references are made by one of their fellow students during his interrogation by the police. It is also seen that the prime accused in the matter, who are arrested has in the meanwhile been released on bail by orders of this Court dated 24.03.2023 passed in Bail Application No./967/2023 as well as order dated 24.03.2023 passed in Bail Application./1042/2023.

8. Upon perusal of the case dairy as well as upon hearing the learned counsels for the parties, this Court does not find any materials in the case dairy which suggest that continuation of the interim bail ought not to be permitted. No materials are also seen from the case dairy which suggest that grant of anticipatory bail to the petitioners as prayed for at this stage of investigation will hamper the investigation carried on. The

investigations are still under way and charge-sheet has been not filed on date. No materials are seen from the case diary to suggest that pursuant to grant of interim bail, the petitioner did not abide by the conditions mentioned in the said order or that the continuation of the interim bail granted will be cause any impediment with the investigation that is carried on.

9. Upon due consideration of the materials available before this Court, this Court is of the view that the interim bail granted vide order dated 28.03.2023 can be made absolute. The interim bail granted earlier is therefore made absolute on the same conditions mentioned in the said order.

10. Accordingly, bail petition is allowed and disposed of.

11. Return the case diary.

JUDGE

Comparing Assistant