

GAHC010068552023



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

Case No. : AB/1221/2023

JADHAV DAS @ JADAB DAS AND ANR
S/O- LATE BELLA DAS, R/O- MAJIKUCHI KOIBORTA GAON, P.O. DURIAL,
P.S. DERGAON, DIST.- GOLAGHAT (ASSAM)

2: SRI GUPTA DAS @ GUPTO DAS
S/O- LATE TANKESWAR DAS
R/O- MAJIKUCHI KOIBORTA GAON
P.O. DURIAL
P.S. DERGAON
DIST.- GOLAGHAT (ASSAM)

VERSUS

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

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.05.2023

Heard Mr. K. Baruah, learned counsel for the petitioners and Mr. R. Kaushik, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioners namely 1) Sri Jadhav Das @ Jadab Das and 2) Sri Gupta Das @ Gupto Das, praying for pre-arrest bail, apprehending their arrest in connection with Dergaon P.S. Case No. 39/2023 under Sections 341/326/307/506/34 IPC.

The learned counsel for the petitioners has submitted that there is enmity between the party and the FIR was lodged against the petitioners on grudge and alleging assault with sharp weapon. Earlier another FIR was lodged against the petitioners showing different allegations which shows that the relationship between the petitioners and the informant is not cordial. Considering the fact and circumstances of the case, the prayer for bail may be considered.

On the other hand, learned Additional Public Prosecutor has submitted that there are materials against the petitioners and the prayer for bail may be considered on the basis of materials available on record.

The case diary is received and perused.

Perusal of the injury report shows that the victim sustained injury incised wound over right scapula and the injury is simple in nature caused by sharp weapon.

As per FIR, the accused/ petitioner Sri Gupta Das @ Gupto Das has inflicted injury with dao causing injury on the neck and the back side shoulder of the informant/ injured and the injured was shifted to Golaghat Civil Hospital where the informant got well.

Considering the statement of the victim as well as the nature of injury sustained by the injured and the submissions of the learned counsel for the parties, this court is of the view that the benefit of pre-arrest bail be extended to the petitioners. In the event of arrest of the petitioners, it is directed that

they be released on pre-arrest bail on furnishing a bond of Rs. 20,000/- (Rupees twenty-five thousand) each with 1 (one) suitable surety each of like amount to the satisfaction of the arresting authority subject to the following conditions that:-

1. the petitioners shall appear before the I.O. within 10 days from today and shall co-operate with the investigation as and when required,
2. 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 them from disclosing such facts to the Court or any other police officer, and
3. the petitioners shall not hamper the investigation or temper with the evidence of the case.

Bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant