

GAHC010069142023



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

Case No. : AB/1222/2023

KULEN KAKATI AND 5 ORS

S/O- SRI CHANDI KAKATI, R/O- VILL- GARO BASTI, OUBARI, P.O. OUBARI,
P.S. GORESWAR, DIST.- BAKSA (BTAD), ASSAM

2: SRI CHANDAN KAKATI

S/O- SRI BALEN KAKATI

R/O- VILL- GARO BASTI

OUBARI

P.O. OUBARI

P.S. GORESWAR

DIST.- BAKSA (BTAD)

ASSAM

3: SRI SAMIN DAS

S/O- LATE HARICHARAN DAS

R/O- VILL- GARO BASTI

OUBARI

P.O. OUBARI

P.S. GORESWAR

DIST.- BAKSA (BTAD)

ASSAM

4: SRI RITU KAKATI

S/O- SRI KANDARPA KAKATI

R/O- VILL- GARO BASTI

OUBARI

P.O. OUBARI

P.S. GORESWAR

DIST.- BAKSA (BTAD)

ASSAM

5: KARNA KAKATI

S/O- SRI BALEN KAKATI

R/O- VILL- GARO BASTI

OUBARI
P.O. OUBARI
P.S. GORESWAR
DIST.- BAKSA (BTAD)
ASSAM

6: SRI GAJEN KAKATI
S/O- SRI MOHAN KAKATI
R/O- VILL- GARO BASTI
OUBARI
P.O. OUBARI
P.S. GORESWAR
DIST.- BAKSA (BTAD)
ASSA

VERSUS

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

Advocate for the Petitioner : MAHIBUR RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

27.04.2023

Heard Mr. M. Rahman, learned counsel for the petitioners and Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam for the State.

2. This anticipatory bail application has been filed by the petitioners, namely, 1. Sri Kulen Kakati, 2. Sri Chandan Kakati, 3. Sri Samin Das, 4. Sri Ritu Kakati, 5. Sri Karna Kakati, 6. Sri Gajen Kakati, apprehending arrest in connection with Goreswar P.S. Case No. 79/2023 under Sections 353/333/34 of the IPC.

3. It is submitted that an FIR dated 12.03.2023 was lodged by the informant one Biswajit Debnath alleging assault by some persons while on duty. It is alleged in the FIR that the persons who assaulted the informant was under the influence of alcohol. Pursuant to the FIR, the investigations were initiated and person named in the FIR namely one Utpal Talukdar who had applied for bail, was granted bail by the Sessions Court, Baksa. The learned counsel for the petitioners submits that the episode leading to the dispute of the fight between Utpal Talukdar and the informant was in the presence of huge number of local villagers. It is submitted that the petitioners are resident of the local village and merely on suspicion their apprehending arrest by the police in connection with Goreswar P.S. Case No. 79/2023.

4. The learned Addl. Public Prosecutor has produced the case diary.

5. In the case diary, it is seen that investigations have initiated in the matter and the statements of the witnesses present have been recorded. However, no injury report is available in the case diary. Some of the witnesses have mentioned the presence of the present petitioners.

6. Be that as it may, considering the fact that the matter is under investigation, grant of anticipatory bail to the petitioners at this stage will not hamper the investigations carried on by the police. The anticipatory bail petition is allowed granting anticipatory to the petitioners.

7. In the event of their arrest, they shall be released on pre-arrest bail, in connection with the above noted case, on furnishing a bail bond of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to

the following conditions:

(i) That the petitioners shall appear before the Investigating Officer within 10 days from today;

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

(iii) 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

(iv) That the petitioners shall not leave their jurisdiction of Goreswar P.S without obtaining prior written permission from the concerned Investigating Officer of the case.

8. In the event, the petitioners are found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the anticipatory bail granted to the petitioners.

9. The anticipatory bail application is, accordingly, disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant