

GAHC010075152023



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

Case No. : Bail Appln./1273/2023

RAJU RABHA
S/O. LT. SARAT RABHA, R.O. BHASAKR NAGAR, BYE LANE NO. 4, NEAR
PAN DUKAN STOPPAGE, P.S. FATASIL AMBARI, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25.04.2023

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr.
B.B. Gogoi, learned Addl. Public Prosecutor, Assam.

2. This bail application has been filed by the petitioner, namely, Sri Raju

Rabha, with a prayer for bail in connection with Fatasil Ambari P.S. Case No. 71/2023 registered under Sections 395/397/427 of the IPC. The petitioner was arrested on 29.03.2023 and since then he is in custody.

3. It is submitted that on 28.03.2023 one FIR was lodged by the informant one Bimal Barman, alleging that on the night of 27.03.2023 at about 11 PM a group of 10 to 15 youths suddenly attacked him and three others in front of a shop namely '*Sameer Store*' near Battalion gate. It is alleged that this group of miscreants attacked the informant repeatedly and took away his mobile phone, money bag as well cash [amount of Rs.2,00,000/- (Rupees Two Lakhs)] and a gold chain of his friend. Because of the attack, he and his friend suffered injuries. The vehicle in which they were travelling was also damaged. Pursuant to the FIR being lodged and registered as Fatasil Ambari P.S. Case No. 71/2023 registered under Sections 395/397/427 of the IPC, investigations were initiated and the petitioner was arrested. It is submitted that the petitioner was arrested on 29.03.2023 in connection with the Fatasil Ambari P.S. Case No. 71/2023 registered under Sections 395/397/427 of the IPC. It is further submitted that the petitioner is not at all connected with the offences alleged, rather he is a person of the locality and upon hearing the commotion between the informant and his friend with the concerned shop keeper, he merely

went to inquire the matter. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and not at all involved in the alleged incident.

4. This Court vide earlier orders called for the case diary.

Today case diary called for has been presented before this Court and the same has been carefully perused.

5. On the basis of the statements of the witnesses including the petitioner and other persons made before the police, investigation is carried on at this stage.

Perusal of the case diary reveals sufficient incriminating materials against the petitioner.

6. Considering the stage of investigation, this Court is of the view that the prayer for bail of the petitioner at this stage cannot be granted.

7. Accordingly, the prayer for bail is rejected and the bail petition is dismissed.

8. Return the case diary.

JUDGE