

GAHC010076712023



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

Case No. : Bail Appln./1358/2023

DHARMENDRA GOGOI
S/O SRI KANEKESWAR GOGOI
R/O PUB- NEMAIJAAN,
P.S. SIVASAGAR,
DIST. SIVASAGAR, ASSAM

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 : 03.05.2023

Heard Mr. P. Kataki, learned counsel appears for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner,

Sri Dharmendra Gogoi seeking bail as he has been arrested in connection with Sivasagar P.S. Case No. 255/2022 registered under Sections 341/326/307/427/392/34 of IPC.

3. It is submitted by the learned counsel for the petitioner that by an FIR dated 22.06.2022 lodged by the informant, one, Deep Phukan, it was alleged that the petitioner along with other two persons accosted him near his house and forcibly snatched away 2 gold chains and thereafter tried to kill him with a sword. As a result of the assault his left knee was injured and he fell down on the road. It was alleged that the accused persons had assaulted him and as a result of which he suffered injuries and they also took away about Rs.35,000/- cash and damaged his four wheeled vehicle.

4. The FIR was received and registered as Sivasagar P.S. Case No. 255/2022 registered under Sections 341/326/307/427/392/34 of IPC.

5. The petitioner was arrested on 17.03.2023 and since then he has been in custody. This Court by earlier order called for the case diary.

6. Mr. B. B. Gogoi, learned Addl. P.P has produced the case diary before this Court.

7. Case Diary produced has been carefully perused.

8. Upon perusal of the case diary, it is seen that there are some materials which prima facie implicates the petitioner as well as the other persons. There are statements made by

witnesses, to the effect that there was a fight between the petitioner and the informant. Statement of the petitioner has also been recorded by the police, where he denies the allegations made in the FIR. The investigations have progressed in the matter, although the charge-sheet has not been yet been filed.

9. Considering the progress of investigation and also considering the period of detention undergone, this Court is of the view that further detention of the petitioner is not necessary for investigation of the case. Accordingly, the petitioner be released on bail. Accordingly, this Bail petition is allowed. The petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with two (2) local sureties of like amount subject to the satisfaction of the Chief Judicial Magistrate, Sivasagar. The bail, granted however, subjected to the following conditions:-

- i) The petitioner shall appear before the Investigating Officer as and when required and cooperate with the investigation till completion of the investigation.
- ii) The petitioner shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Sivasagar.
- iii) That the petitioner shall not hamper or

tamper with the investigation in any manner; and

iv) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

10. If any of the conditions are found to be violated by the petitioners then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

11. With the above direction, the bail petition is accordingly allowed and disposed of.

12. Return the case dairy.

JUDGE

Comparing Assistant