

GAHC010080232023



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

Case No. : Bail Appln./1343/2023

SARAT CH. SINGH AND 4 ORS.

S/O LT. KUNJABIHARI SINGH R/O HOUSE NO. 33 BIRUBARI NIZARAPAR P.S
PALTANBAZAAR GUWAHAI DIST. KAMRUP METRO ASSAM

2: RUPESH BORO

S/O PRATAP BORO R/O HOUSE NO. 3A ULUBARI KACHARI BASTI P.S.
PALTAN BAZAR GUWAHTI DIST. KAMRUP METRO ASSAM

3: BIPLAB SINGHA

S/O HARI KR. SINGHA R/O 19 BIRUBARI P.S PALTANBAZAR GUWHAITI
DIST. KAMRUP METRO ASSAM

4: ARUP BARMAN

S/O LT. DEBEN BARMAN R/O HOUSE NO. 27 NOONMATI SANKAR NAGAR
P.S. NOONMATI GUWAHATI DIST. KAMRUP METRO ASSAM

5: TULUMONI MEDHI @ MOMI

D/O LT SWAPAN KR. MEDHI R/O HOUSE NO. 23 BIRUBARI P.S
PALTANBAZAR GUWAHATI DIST. KAMRUP METRO ASSA

VERSUS

THE STATE OF ASSAM

REP. BY PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 21-04-2023

1. Heard Mr. BK Mahajan, learned counsel for the petitioners. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.
2. This bail application is filed by the petitioners, namely, **1. Sarat Ch. Singh, 2. Rupesh Boro, 3. Biplab Singha, 4. Arup Barman and 5. Tulumoni Medhi @ Momi**, who were arrested in connection with Paltanbazar P.S. Case No. 137/2023 under Sections 325/341/366/506/34 of the IPC.
3. An FIR dated 03.04.2023 was lodged by one Sri Binay Kalita alleging that he and his cameraman, Sri Debashri Lahkar, who were reporters of a local news channel were accosted by some miscreants while they were covering some news items and were proceeding towards their office. It is alleged that this miscreants obstructed the complainant and his cameraman and assaulted them because of which they become senseless and taking advantage of that situation they forced the petitioners into their vehicle and took them to some unknown place. It is alleged that the informant on being taken in the vehicle by the miscreants managed to jump out of the alleged vehicle and fired 2 rounds of ammunition in the air with his 3.2 licensed pistol. His colleague, the cameraman was confined by the said miscreants. Therefore, he has approached the Birubari Police Out Post and informed about the incident by lodging an FIR. The said FIR was received and registered as Paltanbazar P.S. Case 137/2023 under Sections 325/341/366/506/34 of the IPC.
4. In pursuance to the investigation initiated by the Paltanbazar Police

Station, the petitioners were arrested. They have been in custody since 04.04.2023.

5. The learned counsel for the petitioners submits that the entire allegations are false and incorrect and on the contrary an FIR was lodged against the said informant in Paltanbazar Police Station, which was received and registered as Paltanbazar P.S. Case No. 138/2023 under Sections 120(B)/ 384/506 of the IPC.

6. The said FIR was lodged by the brother of the petitioner No. 2. This Court vide order dated 12.04.2023 directed the learned Additional Public Prosecutor to produce the case diaries of both the Police Station cases namely, Paltanbazar P.S. Case No. 137/2023 and Paltanbazar P.S. Case No. 138/2023.

7. The learned Additional Public Prosecutor submits that in so far as Paltanbazar P.S. Case No. 138/2023 is concerned, which was lodged against the informant in Paltanbazar P.S. Case No. 137/2023, the investigation is going on but the accused therein, who is the informant in the present case has not been traced out. The Investigating Officer has also prayed for adding the relevant Section under the Arms Act. In so far as Paltanbazar P.S. Case No. 137/2023 is concerned, the case diary is presented and the same has been carefully perused.

8. The matter is still under investigation, but the Investigating Officer has not filed the charge-sheet. The witnesses are being examined so statements are being recorded by the Investigating Officer which, *prima facie*, corroborates the statements made by the accused-petitioners. The statements of the accused-petitioners have also been recorded. There is no entry in the case diary recorded by the Investigating Officer to suggest that further custodial detention of the petitioners is necessary for continuing with the investigation. No materials

are available in the case diary to suggest that release of the petitioners, at this stage will cause any impediment to the investigation carried on.

9. Accordingly, upon due perusal of the case diary and also taking into account the period undergone by the petitioners, this Court is of the view that the petitioners can be released on bail forthwith. Therefore, the petitioners are allowed to go on bail on furnishing a bail bond of Rs. 20,000/- each with 1 (one) local surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro).

10. The petitioners will continue to abide by the further conditions mentioned below:-

i) The petitioners shall continue to appear before the police once a month and cooperate with the Investigating Officer as and when required, till completion of investigation.

ii) The petitioners shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Kamrup (Metro).

iii) That the petitioners shall not hamper or tamper with the investigation in any manner; and

iv) That the petitioners 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.

11. 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.

12. The bail petition is accordingly disposed of. Return the case diary.

JUDGE

Comparing Assistant