

GAHC010080852023



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

Case No. : AB/1360/2023

RAJDEEP GOGOI

S/O- LATE NANDI RAM GOGOI, R/O- NO. 1 NAOHOLIA GAON, NEAR WELL
NO. 99, P.O. NAOHOLIA, P.S. DULIAJAN, DIST. DIBRUGARH, ASSAM, PIN-
786191.

VERSUS

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

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 12.04.2023

Heard Ms. S. K. Nargis, learned Counsel appears for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor appearing for the State of Assam.

(2) This Anticipatory bail petition under Section 438 Cr. P.C.

has been filed by the petitioner, namely, Sri Rajdeep Gogoi, apprehending arrest in connection with an FIR dated 28.10.2020, which is registered as BI (EO) Police Station case No. 03/2020, registered under Sections 120(B)/420/406/409 of IPC.

(3) It is seen that this court vide order dated 25.07.2022 passed in AB/1507/2022 had earlier granted bail to the petitioner in connection with the same case namely, BI (EO) Police Station case No. 03/2020, registered under Sections 120(B)/420/406/409 of IPC, with the following conditions:-

“(1) The petitioner shall appear before the IO of B.I. (EO) P.S. Case No.3/2020 within a period of 10 days from today and shall continue to appear on dates when he is summoned for the purpose of investigation.

(2) While submitting the bail bond, the petitioner shall submit a declaration in form of an affidavit to appear before the IO on all dates whenever he is summoned/ called, even if he is summoned by message through Whatsapp or SMS or any other electronic mode, further undertaking to appear before the Court for trial after charge sheet is submitted.

(3) The petitioner shall appear before the IO every 15 days till his personal appearance is dispensed with by the IO or charge sheet is submitted whichever is earlier.

(4) That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

(5) That the petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

(6) That the petitioner shall not obstruct the smooth progress of the investigation/trial.

(7) That the petitioner shall not misuse his liberty in any manner.

(8) That the petitioner shall not jump over the bail."

(4) It is submitted by the learned counsel for the petitioner that pursuant to this order, petitioner had met with an accident and was bed ridden for about 3 (three) months. She refers to the medical documents enclosed to the petition in support of her statement. Because of the accident he suffered, he could not appear before the I/O as directed by this Court within a period of 10 (ten) days from the date of the order i.e. 25.07.2022.

(5) Under the circumstances, the petitioner approached this Court for grant of anticipatory bail.

(6) This Court is of the view that the order dated 25.07.2022 passed in AB/ 1507/2022 has already granted the privileged of anticipatory bail to the petitioner on the conditions mentioned therein.

(7) So long this order remains no further order for grant of bail or anticipatory bail is required to be granted to the petitioner in connected to the same police case namely, BI (EO) Police Station case No. 03/2020. The petitioner has explained the grounds on which the petitioner could not appear before the I/O within the period of 10 (ten) days.

(8) Upon hearing the counsels for the parties and upon due perusal of the order dated 25.07.2022 passed in AB/1507/2022 as well as the documents enclosed to the anticipatory bail application, this Court is of the opinion that in view of the order dated 25.07.2022, no further bail order or anticipatory bail order is required to be passed. However, in order to allow the petitioner the benefit of the order passed by this Court, she is granted a further one (1) week's from today to positively appear before the I/O in connection with BI (EO) Police Station case No. 03/2020, registered under Sections 120(B)/420/406/409 of IPC and thereupon continue to appear on such other dates as required by the I/O. All other conditions mentioned in the order dated 25.07.2022 shall remain and will have to be complied with by the petitioner without fail.

(9) In the event, the petitioner fails to appear before the I/O as directed in this order, the bail order dated 25.07.2022 shall stand cancelled without further reference to this Court.

(10) The I/O is further given liberty to approach this court for cancellation or withdrawal of the anticipatory bail order given, if any of the conditions are found to be violated by the

petitioner.

(11) A copy of this order be furnished by the learned Addl. P.P. to the I/O for due compliance. This order passed today in AB/1360/2023 shall be read together with the order dated 25.07.2022 passed in AB/1507/2022.

(12) Anticipatory Bail petition is accordingly, disposed of in terms of the above.

JUDGE

Comparing Assistant