

GAHC010095112023



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

**Case No. : AB/1577/2023**

TAPAN SAIKIA AND 3 ORS.

S/O LT. ABHIRAM MALI R/O VILL. BAIHATA P.S. KAMALPUR P.O BAIHATA  
DIST. KAMRUP ASSAM

2: RAJEN SAIKIA

S/O LT. ABHIRAM MALI R/O VILL. BAIHATA P.S. KAMALPUR P.O BAIHATA  
DIST. KAMRUP ASSAM

3: RATUL MALI

S/O LT. SONESWAR MALI R/O VILL. BAIHATA P.S. KAMALPUR P.O  
BAIHATA DIST. KAMRUP ASSAM

4: RUNU SAIKIA

W/O TAPAN SAIKIA R/O VILL. BAIHATA P.S. KAMALPUR P.O BAIHATA  
DIST. KAMRUP ASSA

VERSUS

THE STATE OF ASSAM

REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. T N DAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**Date : 12-06-2023**

Heard Mr. T.N. Das, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the 4 (four) petitioners, namely, 1) Tapan Saikia, 2) Rajen Saikia, 3) Ratul Mali & 4) Runu Saikia, who are apprehending their arrest in connection with Kamalpur Police Station Case No.39/2023 registered under Sections 324/326/ 307/ 511/ 34 of the IPC.

An FIR dated 15.02.2023 was lodged by the informant namely Amal Saikia alleging that the accused persons named in the FIR had assaulted the informant, as result of which he was severely injured and thereafter, an attempt was made to kill him. However, the accused persons fled away from that place after the informant's wife raised hue and cry. Thereafter, the informant was taken to the hospital for treatment. Pursuant to that incident the FIR dated 15.02.2023 was lodged which was received and registered as Kamalpur Police Station Case No.39/2023 registered under Sections 324/326/ 307/ 511/ 34 of the IPC. Thereafter, the investigation was carried out and apprehending arrest those accused persons have filed the present anticipatory bail application.

This Court by the order dated 08.05.2023 while calling for the case diary along with the injury report granted interim protection to the petitioner no.4, but the prayer for bail of the petitioners no. 1, 2 & 3 were to be considered after perusal of the case diary along with the injury report.

The case diary, as called for, has been received and this Court has perused the same.

Learned counsels for the parties have been heard.

Upon perusal of the case diary along with the injury report, it is seen that the injuries sustained by the informant are not grievous in nature. The statements of the witnesses have also been perused. No specific materials are found in the case diary which would suggest that pursuant to the grant of bail, the petitioner no.4 did not cooperate with the investigation that is being carried on. The case diary does not reveal any material against the petitioner no.4 to suggest that continuation of interim bail will impede the process of investigation. Further, there are also no materials seen in the case diary at this stage of investigation to suggest that the grant of anticipatory bail to the petitioners no.1, 2 & 3 will hamper the further investigation in the case or their prayer for grant of Anticipatory Bail ought not to be allowed at this stage.

Accordingly, interim bail granted to the petitioner no. 4 vide order dated 08.05.2023 is hereby made absolute on the same conditions as mentioned in the earlier order dated 08.05.2023.

In so far as, the petitioners no. 1, 2 & 3 i.e. 1) Tapan Saikia, 2) Rajen Saikia and 3) Ratul Mali are concerned, in the event of their arrest in connection with Kamalpur Police Station Case No.39/2023 registered under Sections 324/326/ 307/ 511/ 34 of the IPC, they shall be also released on pre-arrest bail upon furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioners no. 1, 2 & 3 shall appear before the

Investigating Officer within 7 (seven) days from today;

- (ii) That the petitioners no. 1, 2 & 3 shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioners no. 1, 2 & 3 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 office; and
- (iv) That the petitioners no. 1, 2 & 3 shall not leave the jurisdiction of Kamalpur Police Station without obtaining prior written permission from the concerned Investigating Officer of the case.

In the event, the petitioners no. 1, 2 & 3 are found to have violated any of the above conditions or are found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioners no. 1, 2 & 3.

The anticipatory bail application is disposed of. Return the case diary.

**JUDGE**

**Comparing Assistant**