

GAHC010096172023



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

Case No. : Bail Appln./1586/2023

AJAY KALITA
S/O. SUKAN CH. KALITA, R/O. HOUSE NO.1, PANJABARI, BAGHARBORI,
SWEETLAND BYE-LANE, P.S. SATGAON, GUWAHATI-781037, DIST.
KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

15/05/2023

Heard Mr. D Bora, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Ajay**

Kalita, seeking bail in connection with **Dispur P.S. Case No. 2284/2022** registered under Sections 365/387 IPC with added Sections 120(B)/364(A)/344/302/201 corresponding to G.R. Case No. 8457/2022, wherein he was arrested on 21.02.2023 and since then he is in custody.

As per the FIR dated 16.10.2022, he on 09.10.2022 lodged an FIR before the Dispur Police Station regarding missing of his son. Though, his son was untraceable, but on 14.10.2022, a message came from his mobile and was informed that his son is safe and hearty. In reply the informant sent a video message. On 15.10.2022, again a message came demanding Rs. 40,00,000/- and to pay by 18.10.2022 directing him not to inform police. Having no alternative the informant lodged the said FIR.

It is seen that on the basis of said FIR dated 09.10.2022, one-man missing case being Dispur P.S. MMR No. 189/2022 dated 09.10.2022 was registered vide Dispur P.S. G.D. Entry No. 543 dated 09.10.2022.

As per the arrest memo dated 21.02.2023, it is seen that the petitioner and the other accused persons arrested in said Dispur P.S. Case No. 2284/2022 conspired to abduct the victim Biswajit Hazarika, aged about 31 years, son of the informant from several days before the commission of the crime, he was stalked by them and was abducted on 09.10.2022. As the accused persons did not receive the ransom amount, they killed the victim and threw him into Killing river in order to cause disappearance of evidence of their crime. The victim was later found in a state tied up with a concrete post and wrapped up in a large rice sack in the middle of the Killing river at Nellie by Nellie Police Outpost under Jagiroad Police Station, for which Jagiroad P.S. Case No. 385/2022 under Section 302 IPC has already been registered.

During the deliberation of the matter, Mr. M P Goswami, learned Additional Public Prosecutor, Assam submitted that police after investigating said Dispur P.S. Case No. 2284/2022 has already submitted the charge-sheet under Sections 365/387 IPC with added Sections 120(B)/364(A)/344/302/201 on 10.05.2023 vide Charge-Sheet No. 136/2023 against the petitioner and the other persons of the case.

Considering the gravity of such a heinous crime, as stated in the arrest memo, the petitioner, named above, is not entitled for bail in said Dispur P.S. Case No. 2284/2022.

As in the meanwhile, charge-sheet has been filed in said Dispur P.S. Case, the petitioner may approach the appropriate Court for his regular bail in said Dispur P.S. Case No. 2284/2022, if so

advised.

With the above observation and direction, this bail application of the petitioner, named above, stands disposed of.

JUDGE

Comparing Assistant