

GAHC010098372023



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

Case No. : Bail Appln./1647/2023

BABLU TAMULI @ BABLA
S/O LT. SACHIN TAMULI
VILL- RANGMAHAL, NAZIRAKHAT
P.O. RANGMAHAL, P.S. CHANGSARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.05.2023

Heard Mr. I.H. Saikia, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Bablu Tamuli @ Babla**, in connection with **Changsari Police**

Station Case No. 123/2023, registered under **Sections 120(B)/379/376/511 of IPC**.

The case diary produced has been perused.

It has been submitted by the learned counsel for the petitioner that the petitioner is no way involved in this case as per the statement of the victim recorded under Section 164 Cr.P.C. He further submits that the petitioner was arrested only on suspicion. He also stated that the petitioner was arrested on 02.05.2023 and he has been detained in custody till today. Considering the background of the case, the prayer of the petitioner may be considered.

Perused the case diary along with the statement of the victim recorded under section 164 Cr.P.C. It reveals that the victim was accompanied with Lachit Das and Tridip Saikia to attend a Bihu function and subsequently, they took her in a vehicle towards a forest area and committed the offence as alleged. The only allegation against the present petitioner is that he was in the said vehicle and nothing has been alleged by the victim in her statement under Section 164 Cr.P.C. regarding his involvement in the offence.

Mr. Gogoi, learned Additional Public Prosecutor for the State submits that he has no objection if the prayer of the petitioner is allowed.

Considering the submissions made by the learned counsel for the parties as well as the materials available in the case diary, the prayer of the petitioner is allowed.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case **Changsari Police Station Case No. 123/2023**, on furnishing bail bond of **Rs.25,000/-** with **a suitable surety** of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Kamrup, Amingaon.

The direction for bail is further subject to the following conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup, Amingaon, without prior written permission;

(b) shall not hamper with the investigation of the case and tamper with the evidence of the case;

(c) 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 officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant