

GAHC010101172023



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

Case No. : AB/1700/2023

KRISHNA JYOTI SAIKIA
S/O SRI BHUBAN SAIKIA
R/O VILL- PANICHAKUA BORHUJ GAON,, P.S. PULIBOR
DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

31-05-2023

Heard Mr. T Chutia, learned counsel for the petitioner and Mr. B Sharma, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 438 CrPC, the petitioner, namely, **Krishna Jyoti Saikia**, apprehending his arrest is seeking pre arrest bail in Pulibor Police Station Case No.79/2023 registered under Sections 341/325/506/395 IPC corresponding to G.R. Case No.

364/2023.

3. As per the FIR of the case, the informant, one driver of a Magic Vehicle on 22.04.2023 lodged a written Ejahar before the Officer-in-Charge of Pulibor Police Station stating that in the evening at around 6 PM when he was driving the said transport vehicle, about five persons coming in a car bearing Registration No. AR01-F-0967 obstructed him and snatched away money from his pockets and assaulted him, thereby injured him and threatened him saying that if he goes to report it to the police; he has to face dire consequences. The said informant also indicated that out of those five persons, he could identify only one, namely, Krishna Jyoti Saikia, the present petitioner from village-Borhuj.

4. Accordingly, Pulibor Police Station Case No.79/2023 corresponding to G.R. Case No. 364/2023 was registered under Sections 341/325/506/395 IPC, as noted above.

5. The Court while asking for the Case Diary vide order dated 16.05.2023 granted interim pre-arrest bail to the petitioner in said Pulibor P.S. Case No.79/2023.

6. Accordingly, the petitioner appeared before the concerned I.O. of Pulibor P.S. Case No.79/2023 on 23.04.2023 and gave his statement before the concerned I.O. of the case, admitting about the assault on the said driver.

7. Perused the Case Diary produced before the Court today by Mr. B Sharma, learned Additional Public Prosecutor, Assam.

8. Seen the statements of the witnesses so far recorded by the concerned I.O. of the case, including that of the informant/victim, passengers of the said vehicle driven by the informant, brother of the petitioner, the village headman from the village of the petitioner.

9. The concerned I.O. of the case wrote that as on date, seven other cases are pending against the petitioner with various criminal charges and that the petitioner in all such cases snatched away money from different persons and assaulted them.

10. Finding sufficient incriminating materials against the petitioner regarding his involvement in the case, noted above, the Court is of the view that this case is not a fit case to grant pre-arrest bail to the petitioner, namely, **Krishna Jyoti Saikia**, in said Pulibor P.S. Case No.79/2023 corresponding to G.R. Case No. 364/2023 registered under Sections

341/325/506/395 IPC.

11. Accordingly, the interim pre-arrest bail granted to the petitioner on 16.05.2023 in said Pulibor P.S. Case No.79/2023 corresponding to G.R. Case No. 364/2023 is hereby recalled/stands vacated.

12. Return the case diary.

JUDGE

Comparing Assistant