

GAHC010101362023



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

Case No. : AB/1707/2023

MAKHAN DAS
S/O LT. MANIK DAS R/O BARHUJ VILLAGE P.O. PANISAKUA, P.S. PULIBOR
DIST. JORHAT, ASSAM PH. NO. 9435265001

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. U J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.06.2023

Heard Mr. U.J. Saikia, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State/respondent.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Makhan Das**, in connection with **Pulibor**

Police Station Case No. 70/2023 registered under Sections 294/341/353/325/307/427/397/332/120(B)/147/148/34 IPC, r/w Section 3(2)(a) Prevention of Damages to Public Property Act and r/w Section 25(1)(AB) Arms Act.

It has been submitted by the learned counsel for the petitioner that in one incident, two FIRs have been lodged by two police personnel vide Pulibor P.S. case Nos. 70/2023 and 71/2023. It is further submits that on the day of the incident, some police personnel went to the village of the petitioner in civil dress by hiring one vehicle to consume liquor and thereafter, they misbehaved with a local girl in that area. When the girl raised hue and cry, the local people gathered to save her and also snatched the key of the said vehicle but the petitioner handed over the key to the police personnel and asked them to leave the place. The learned counsel for the petitioner also stated that the petitioner is no way involved in this case. Therefore, the prayer of the petitioner may be considered

On the other hand, Mr. Sharma, learned Addl.P.P. has submitted that in the aforesaid incident, two FIRs have been lodged by the police personnel which is not permissible as per provision of law.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

On perusal of case diary, it reveals that the injuries sustained by the injured are simple in nature. There is no allegation against the petitioner that he has obstructed any police personnel at the time of discharging official duties. Considering the facts as well as the materials available in the case diary, this Court is of the view that custodial interrogation of the petitioner is not required, therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with **70/2023** registered **under Sections 294/341/353/325/307/427/397/332/120(B)/147/148/34 IPC, r/w Section 3(2)(a) Prevention of Damages to Public Property Act and r/w Section 25(1)(AB) Arms Act**, he shall be released on furnishing bail bond of **Rs.20,000/-**, with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer of concerned Police Station, within ten days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or 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.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant