

GAHC010104802023



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

Case No. : AB/1786/2023

RANTU BAISHYA @ RANTU KR BAISHYA
S/O LATE KANGSHA RAM BAISHYA, R/O RUDRESWAR, NORTH
GUWAHATI, P.O.-RANGMAHAL, P.S.-CHANGSARI, DIST-KAMRUP, ASSAM,
PIN-781030

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

01/06/2023

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

The petitioner, namely, **Rantu Baishya @ Rantu Kr. Baishya**, has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending his arrest in **Changsari P.S. Case No. 91/2023** registered under Sections 353/500/506 IPC.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

As per the FIR of the case dated 24.03.2023, the informant is a retired Lat Mandal in the Revenue Department of the State and as per the order of the Deputy Commissioner, Kamrup, he has been working under the Basundhara Scheme of the State Government since 2021. On 16.03.2023 around noon, while he was working in his office, an unknown person came to him and asked him for a map to which the informant replied him to submit necessary form as per the official procedure stating that without submitting necessary application, such documents cannot be furnished. After sometime, the said person again approached the informant and offered him some money, but the informant refused to take the same and asked him to go through the official procedure. Later, the said person again approached the informant showing his camera, threatened him and obstructed his official works. In the FIR, the informant further stated that the said person threatened him saying that he will publish certain news against him in and around North Guwahati Revenue Circle and thereby demoted his prestige.

Accordingly, said FIR was registered as Changsari P.S. Case No. 91/2023 under Sections 353/500/506 IPC.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the petitioner is a news correspondent of a vernacular newspaper of the State.

Case diary reveals that there was a scuffle between the petitioner and the informant on the date of the incident that was recorded in the camera which was established in the office premises of the Revenue Office at Changsari. However, Mr. Goswami, learned Additional Public Prosecutor from the case diary submitted that there was no such medical report of the informant.

Case diary also reveals that the petitioner asked for certain documents including the map from the informant and the informant replied him to obtain the same through the official procedure by filing necessary application.

Considering the materials available in the case dairy, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Changsari P.S. Case No. 91/2023. As such, this pre-arrest bail application of the petitioner is accepted.

Accordingly, in the event of arrest of the petitioner, namely, **Rantu Baishya @ Rantu Kr.**

Baishya, in said Changsari P.S. Case No. 91/2023 registered under Sections 353/500/506 IPC, he shall be released on bail on furnishing a bail bond of Rs.30,000/- with 2 (two) local sureties of the like amount to the satisfaction of the arresting authority, subject to the conditions that the petitioner shall - **(i)** appear before the concerned Investigating Officer of said Changsari P.S. Case No. 91/2023 **on or before 07.06.2023** and thereafter, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of said Changsari Police Station, without obtaining prior written permission from the concerned I/O of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** 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 addition to the above, the petitioner is further directed not to indulge with such act again.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, pre-arrest bail granted to him in said Changsari P.S. Case No. 91/2023 shall stand automatically vacated.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant