

GAHC010104812023



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

Case No. : AB/1737/2023

PRAFULLA DAS
S/O SUKLESWAR DAS
VILL- JAPIA
P.S. HAJO, KAMRUP

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

26.05.2023

Heard Ms. T. Som, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Addl. PP for the State.

2. This anticipatory bail application has been filed by the petitioner, namely, Prafulla Das, apprehending arrest in connection with Hajo P.S. Case No.

290/2023 under Sections 326/307 of the IPC.

3. The learned counsel for the petitioner submits that by an FIR dated 20.04.2023 lodged by the informant one Lankeswar Das, it was alleged that the petitioner had assaulted the informant with a sharp knife and caused injuries on his nose and eyes. This fight arose because of some payments required to be made to the petitioner by the informant. The learned counsel for the petitioner submits that there was an altercation but no such assault was made by the petitioner. The altercation was not only in respect of the petitioner but other person persons are present there.

4. Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam submits that the case diary as called for has been received.

5. The case diary presented before the Court has perused. The medical report from the case diary reveals that the injuries sustained are in simple in nature.

6. Upon due perusal of the case diary, no materials are seen from the case diary which incriminates the petitioner at this stage of investigation.

7. Upon hearing the learned counsels for the parties and upon due perusal of the materials available before this Court, this Court is of the considered view that the prayer of grant of anticipatory bail can be allowed and the same is hereby allowed.

8. Accordingly, it is provided that in the event of arrest of the petitioner, named above, he shall be released on pre-arrest bail, in connection with the above noted case, on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand only)** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner shall appear before the Investigating Officer within 10 days from today;

(ii) That the petitioner shall not hamper or tamper with the investigation in any manner;

(iii) That the petitioner 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; and

(iv) That the petitioner shall not move out of the jurisdiction of Hajo P.S without obtaining prior written permission from the concerned Investigating Officer of the case.

9. In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the bail granted to the petitioner.

10. Accordingly, the anticipatory bail application stands disposed of.

11. Return the case diary.

JUDGE

Comparing Assistant