

GAHC010104082023



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

Case No. Bail Appln./1753/2023

JAYANTA DEKA
S/O TARUN DEKA
R/O VILL 1 NO. BORTALA
P.S. MUKALMUA
DIST. NALBARI
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR P DAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 06.06.2023

Heard Mr. P. Das, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Addl. PP for the State.

2. This bail application has been filed by the petitioner, namely, **Jayanta Deka** seeking bail in connection with Mukalmua P.S. Case No. 284/2023 under Sections 341/294(A)/325/307/379/34 of the IPC. The accused-petitioner was arrested on

07.05.2023 and since then he has been in custody.

3. The learned counsel for the petitioner submits that by an FIR dated 07.05.2023 lodged by the informant. It was alleged that the petitioner and another person assaulted his son, Chintu Barman, at the shop of Nitul Barman which is located at No. 1, Bortola Chowk. The incident occurred on 06.05.2023 at about 10PM. It was alleged that the accused persons abused his son with an intention to kill him and inflicted serious injury on his eyes, ears, head and different parts of the body. They also snatched away of Rs. 72,200/- which was the amount he received from different customers. It is stated that the injury sustained are serious as he has been referred to Nalbari Civil Hospital. The said FIR was received and registered as Mukalmua P.S. Case No. 284/2023 under Sections 341/294(A)/325/307/379/34 of the IPC.

4. This Court had called for the case diary along with injury report. The learned Addl. PP has presented the case diary before this Court.

5. The case diary produced has been carefully perused.

6. The injury report does not reveal any grievous injury sustained by the victim. The injury is simple in nature as per the opinion of the medical Doctor. The statement of the petitioner has been recorded. The investigation has been progressed although no charge-sheet has been filed.

7. From the materials available in the case diary, it is evident that there was a scuffle which had taken place between the petitioner and the son of the informant.

8. Upon careful perusal of the case diary and upon hearing the learned counsels for the parties, this Court does not find any materials in the case diary to suggest that release of the petitioner on bail at this stage of investigation will impede the investigation. No materials are also seen from the case diary that further custodial detention of the petitioner is necessary in connection with the

investigation of the case.

9. Upon due consideration of all the above, this Court is of the view that the petitioner can be released on bail as prayed for.

10. Accordingly, the petitioner, named above, in connection with the aforesaid case, be released on bail upon furnishing a bail bond of Rs. **30,000/-** (Rupees Thirty Thousand only) each with one local surety of like amount to the satisfaction of the Court of Chief Judicial Magistrate, Nalbari, subject, of course, to the following conditions:

(i) That the accused-petitioner shall appear before the I.O as and when required till completion of the investigation;

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

(iii) That the accused-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 accused-petitioner shall not move out the jurisdiction of the Competent Court without permission.

11. If any of the conditions are violated, the competent Court will be at liberty to cancel the bail by this Court.

12. Accordingly, the bail application stands disposed of.

13. Return the case diary.

JUDGE

Comparing Assistant