

GAHC010110302023



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

Case No. : AB/1832/2023

JINTU @ JINTUMONI BORGOHAIN
S/O- LATE HOREN BORGOHAIN, PERMANENT R/O- SEPON SUNPURA
ROAD NEAR PATSAKU HIGH SCHOOL, PATSAKU GOHAIN GAON, SEPON,
SIVASAGAR, ASSAM- 785673

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

05-06-2023

Heard Mr. Ditul Das, learned counsel for the petitioner and Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, namely, **Jintu @ Jintumoni Borgohain**, apprehending his arrest is seeking pre arrest bail in Sivasagar P.S. Case No.

63/2023 registered under Sections 447/384/352/426/270/295A/505(2)/34/147/392/153A IPC.

Perused the case diary produced before the Court today, by Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.

The petitioner in a group along with some others tried to collect donations from the shop keepers at Sivasagar for the 38th Ronghar Rongali Bihu Sanmelan of K.P. Chariali, Sivasagar. Some of the shop keepers refused to give the donations demanded by the group of the petitioner then the group leader was called, thereafter altercations took place.

Case diary reveals that the video footage shows the presence of the petitioner during such incident. However, the case diary is silent with regard to the role of the petitioner.

Case diary also reveals that the petitioner along with other persons collected money and created nuisance in the society and threatened the shop keepers and other persons demanding money.

It has been brought to the notice of the Court that the main group leader was already arrested and was later released on bail in this particular case.

Considering the above and the materials in the case diary, the Court is of the opinion that custodial interrogation of the petitioner is not warranted to investigate said Sivasagar P.S. Case No. 63/2023. Accordingly, this pre arrest bail application of the petitioner is accepted.

Accordingly, it is provided that in the event of arrest of the petitioner namely, **Jintu @ Jintumoni Borgohain**, he be released on bail in said Sivasagar P.S. Case No. 63/2023, on furnishing a bail bond of Rs.50,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the arresting authority on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Sivasagar P.S. Case No.63/2023 on or before **08.06.2023** and thereafter, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Sivasagar Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he 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 them from disclosing such facts to the Court or to

any police officer, failing which, the bail granted to him in the aforesaid Sivasagar P.S. Case No. 63/2023 shall stand automatically vacated.

Any violation of the aforesaid terms and conditions by the petitioner, named above, the pre arrest bail granted to him in the aforementioned Sivasagar P.S. Case No. 63/2023 shall stand automatically vacated.

Return the case diary.

This pre-arrest bail application stands disposed of to the extent above.

JUDGE

Comparing Assistant