

GAHC010115322023



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

Case No. : AB/1874/2023

SUKUMAR BASUMATARY
S/O LATE SARUSINGH BASUMATARY
R/O FALGUNI PATH,
KAHILIPARA, GUWAHATI-781019, ASSAM, PERMANENT RESIDENT OF
KUSHTALI BAZARGHAT, P.O. BARANGANI, P.S. LAHORIGHAT, MORIGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS M KAKOTY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 25-08-2023

1. None appears for the petitioner on call.
2. The case diary is received.
3. The hon'ble Apex Court in the case of ***Taj Mohammad Vs.***

State of Uttar Pradesh and others arising out of ***SLP (Crl) 5298/2023*** while relying on the earlier decision of the hon'ble Apex Court in the case of ***Madan Lal Kapoor v. Rajiv Thapar*** reported in ***2007 7 SCC 625*** and ***Bani Singh v. State of U.P*** reported in ***1996 4 SCC 720*** under its order dated 1.08.2023 provided that even in absence of a party or his council a revision petition can be considered in merit in accordance with law for consideration.

4. In the considered opinion of this court such principle can also be followed in case of bail application when case diary is produced.

5. In the present case, the learned counsel for the applicant is not present, so this court shall proceed with the case and peruse the case diary.

6. By this application under Section 438 Cr.P.C., the applicant, namely, ***Sukumar Basumatary*** has filed an application under section 438 Cr.P.C., with prayer for pre arrest bail in connection with Dispur PS Case No.807/2023 under sections 380 IPC.

7. Having Gone through the Case Diary produced by the learned Addl. P.P., this Court is of the opinion that on the basis of materials so far collected, the applicant has made out a good case for granting him pre-arrest bail in as much as considering the stage of the investigation, in the opinion of the Court, no custodial interrogation shall be necessary.

8. As such, this Anticipatory Bail Application is hereby disposed of by providing that in the event of arrest in connection with the aforementioned case, the applicant, above named shall be released on bail on furnishing a bond of Rs.30,000/- and one local surety of the

like amount to the satisfaction of the arresting authority subject to the condition that:

- I. The applicant 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/her from disclosing such facts to the Court or to any police officer.
 - II. The applicant would render full cooperation with the investigation of the case;
 - III. The applicant shall not leave the territorial jurisdiction of the concerned I.O. without prior intimation.
 - IV. The applicant shall appear before the IO of the concerned PS within 10 days
9. The pre-arrest bail application stands disposed off.
 10. Send back the case diary.

JUDGE

Comparing Assistant