

GAHC010126042023



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

Case No. : Bail Appln./2024/2023

RAJIB DAS
S/O SRI ROMEN CHNADRA DAS,
VILL.- BORHUJ GAON UNDER PULIBOR POLICE STATION IN THE
DISTRICT OF JORHAT, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR. B M CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20-06-2023

Heard Mr. B.M. Choudhury, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Bail Application has been filed under Section 439 of the Cr.P.C. by the petitioner, namely, Rajib Das, seeking bail in connection with Pulibor Police

Station Case No.71/2023 registered under Sections 341/ 353/ 326/ 34 of the IPC added Section 332/ 120(B)/ 307 of the IPC. The petitioner has been shown as arrested on 19.04.2023 and since then he has been in custody.

It is submitted by the learned counsel for the petitioner that on the date of incident i.e. 02.04.2023 two cases had been registered in connection with one incident and the accused petitioner was arrested on 02.04.2023 in connection with Pulibor Police Station Case No.70/2023 registered under Sections 294/ 341/ 353/ 307/ 427/ 397/ 34 of the IPC added Section 332/ 120(B)/ 147/ 148 of the IPC read with Section 3 (2) (e) of the Prevention of Damage to Public Property (PDPP) Act r/w Section 25 (1) (AB) Arms Act.

This Court had earlier called for the case diary and today, learned Additional Public Prosecutor has produced the same. This Court has perused the same.

The case diary also does not reveal any incriminating materials against the petitioner. It is also observed from the case diary that on the date of incident i.e. 02.04.2023 two cases had been registered in connection with one incident.

After hearing the learned counsel for the parties and considering the period of detention undergone by the petitioner, this Court feels that further custodial detention of the petitioner may not be required and accordingly, he may be released on bail.

Accordingly, the petitioner, named above, shall be released on bail in connection with the above noted case, upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with 1 (one) local surety of like amount

to the satisfaction of the Chief Judicial Magistrate (CJM), Jorhat, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer of the case as and when required till completion of the investigation;
- (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 office; and
- (iv) That the petitioner shall not leave the jurisdiction of Jorhat without obtaining prior written permission from the Investigating Officer of the case.

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.

The Bail Application is accordingly allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant