

GAHC010129032023



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

Case No. : Bail Appln./2101/2023

SALIL SAWTAL AND 2 ORS
S/O- DEBEN SAWTAL, R/O- TENGAPANI T.E., P.O. MAKUM, P.S. MAKUM,
DIST. TINSUKIA, ASSAM

2: NOREN PORJA
S/O- BIRSU PORJA
R/O- MAKUM HEBEDA
P.O. AND P.S MAKUM
DIST TINSUKIA
ASSAM

3: KAILASH PANIKA
S/O- MOHAN PANIKA
R/O- TENGAPANI 4 NO. LINE
P.S. BORDUBI
DIST. TINSUKIA
ASSA

VERSUS

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

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

15.06.2023

Heard Ms. P. Borah, learned counsel for the accused-petitioners and Mr. R.J. Baruah, learned Addl. PP for the State.

2. This bail application has been filed by the petitioners, namely, **1. Salil Sawtal, 2. Noren Porja and 3. Kailash Panika**, praying for bail in connection with Makum P.S. Case No. 52/2023 under Sections 341/147/149/342/302 of the IPC. The accused-petitioners were arrested on 26.04.2023 and since then they have been in custody.

3. The learned counsel for the accused-petitioners submits that an FIR dated 25.04.2023 was lodged by the informant one Milan Moran alleging that his son Pranjal Moran was restrained at Makum Hebera Line by the FIR named accused persons including the petitioners. He was assaulted by them and subsequently murdered by confining him in a car. When he was taken for treatment, the doctors of Tinsukia Civil Hospital declared him dead. The said FIR was registered as the aforesaid case. During investigation, the petitioners were arrested and have been in custody since the date of arrest.

4. The case diary was available in Court in connection with another matter which is listed before this Court arising out of the same P.S. case. Accordingly, this bail application is taken up for disposal.

5. The case diary produced by the learned Addl. PP has been perused carefully.

6. From the case diary, it is seen that the petitioners were friends of one Jintu Tanti who is alleged to be one of the prime accused in commission of the

offence alleged in the FIR dated 25.04.2023. Upon perusal of the case diary, it is seen that the investigation has progressed substantially but the charge-sheet has not been filed as yet as the some of the accused persons have not been arrested.

7. From perusal of the case diary, it appears that the petitioners were also present at the place of occurrence, however, the case diary does not reflect specific materials which incriminate the petitioner at this stage of investigation. Their statements have been recorded. No materials are seen from the case diary to suggest that release of the petitioners will hamper the investigations which is being carried on so far. Considering the fact that no specific materials of the offences alleged are seen from the case diary in respect of the present petitioner at this stage of investigation and also taking into consideration, the period of detention undergone, this Court is of the view that petitioners can be released on bail.

8. Accordingly, the accused-petitioners, named above, shall be released on bail in connection with the aforementioned case, on furnishing a bail bond of Rs. **20,000/-** (Rupees Twenty Thousand Only) each with one local surety of like amount to the satisfaction of the Court of Chief Judicial Magistrate, Tinsukia, subject, of course, to the following conditions:

(i) That the accused-petitioners shall appear before the Investigating Officer on each and every date till completion of the investigation as and when required;

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

(iii) That the accused-petitioners 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-petitioners shall not move out the jurisdiction of the Makum Police Station without permission of the concerned Court.

9. Accordingly, the bail application stands disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant