

GAHC010129332023



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

Case No. : Bail Appln./2053/2023

BHADRESWAR RABHA
S/O LT. KARMESWAR RABHA R/O OF VILL. DABLI P.O. LELA P.S. DUDHNOI
DIST. GOALPARA ASSAM 783124

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

27.06.2023

Heard Mr. D. Das, learned counsel appearing for the accused petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Bhadreswar Rabha** has prayed for grant of bail in connection with **Dudhnoi PS**

Case No.39/2023 (GR No. 721/2023) registered under Section 120B/147/148/149 /353/333/307/326/302/392/379/427 of IPC read with Sections 40/41 of the Assam Regulation Act, 1891.

The case diary, as called for, is received without the FSL report.

The brief fact of the case is that on 29.05.2023 at 6.55 pm when the staff of Range Forest Officer, Central Range Krishnai went out for patrolling duty in Dwarapara, Shalpara they recovered and seized a truck fully loaded with Shaal timbers. Then some local people gathered and attacked the forest team. One of the forest staff, namely, Razvi Ahmed succumbed to his injuries and some others were also injured.

It is noticed that the accused has been in judicial custody for 27 days since 31.05.2023.

Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent submits that the forest land was earlier possessed by the accused petitioner and at the time of occurrence he was not present at the place of occurrence.

The post mortem report shows that the death of Rajbor Ahmed was due to coma, following injuries sustained which were ante-mortem and caused by blunt object of different caliber inflicted from different direction and planes, injuries were homicidal in nature.

Perusal of case diary reveals no prima facie direct or circumstantial incriminating material against the accused petitioner. The petitioner was not present at the relevant time of occurrence at the place of incident. The investigation has substantially progressed in respect of complicity of the present accused petitioner in the commission of the alleged offences. Therefore, this Court is of the considered opinion that further continuation of detention of the accused, in the interest of the ongoing investigation, is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall

be released on bail of **Rs. 40,000/-** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Goalpara** subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) 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 Police Officer or the Court; and

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant