

GAHC010129602023



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

Case No. : Bail Appln./2080/2023

BHRIGU KHATANIAR
S/O LATE KHAGAN KATHANIAR
PERMANENT RESIDENT OF PATACHARKUCHI
P.O. AND P.S. PATACHARKUCHI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-06-2023

Heard Mr. S. Bora, learned counsel for the petitioner and Mr. P.S.Lahkar, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Bhrigu Khataniar** is seeking bail in connection with Tihu Police Station Case No. 42/2023 registered under Section 394 IPC, in which he was arrested on 07.06.2023 and since then he is in custody.

As per the FIR of the case dated 06.06.2023, in the evening of 05.06.2023 while the complainant was proceeding from Dhubri to Biswanath Chariali by driving a truck vehicle bearing registration No. WB-63B2452 over NH 27 and reached Tihu Chowk near Petrol Pump, his said truck vehicle was stopped on being signaled by two police personnel. Those two police personnel asked him for the documents of his said vehicle as well as challan. After finding all the documents of his said vehicle correct, those two police personnel demanded Rs. 500/- from the complainant and he agreed to pay Rs. 200/- only to them. As such, those two police personnel beaten up the complainant badly and used abusive words against him. On the basis of the said complaint, Tihu P.S. Case No. 42/2023 was registered under Section 394 IPC against those police personnel on 06.06.2023 and the petitioner was taken into custody on 07.06.2023 itself.

Perused the injury report of the complainant/victim placed before the Court today by Mr. Lahkar, learned Additional Public Prosecutor, Assam which is issued by the Medical Officer, Tihu FRU on 19.06.2023 wherein the complainant/victim was medically examined on 06.06.2023.

From the injury report of the complainant/victim, it is found that the complainant sustained simple injuries caused by blunt object.

Considering the injury report of the complainant/victim and the period of detention of the petitioner in custody since 07.06.2023, the Court is of the view that that further custodial detention of the petitioner is not warranted to investigate said Tihu P.S. Case No. 42/2023. As such, this bail application of the petitioner, named above, is accepted.

Accordingly, the petitioner, namely, **Bhrigu Khataniar**, be released on bail in said Tihu P.S. Case No. 42/2023 on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Tihu on conditions that the petitioner shall- (i) appear before the concerned Investigating Officer of said Tihu P.S. Case No. 42/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Tihu 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) not, directly or indirectly, make any inducement, threat to anyone of the

family members of the complainant or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Tihu P.S. Case No. 42/2023 shall stand automatically vacated.

This bail application of the petitioner stands allowed to the extent above.

JUDGE

Comparing Assistant