

GAHC010142182023



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

Case No. : AB/2293/2023

AMRIT SAIKIA
S/O SRI DILIP SAIKIA
R/ RUPKALIYA GAON
P.S. GOLAGHAT
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.07.2023

Heard Mr. T.J. Mahanta, learned senior counsel assisted by Ms. P. P. Das, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.

This is an application under Section 438 of the Code of Criminal Procedure filed by the petitioner, namely, Amrit Saikia, praying for pre-arrest bail apprehending arrest in connection with Golaghat P. S. Case No. 140/2023 registered under Sections 302/34 of the IPC (GR Case No. 268/23).

The accusation in this case is that on 26.04.2023, one Tulumoni Nath had lodged an FIR before the Officer In-charge of Golaghat, inter-alia, alleging that on 26.04.2023 at about 2.35 pm afternoon one of the worker from her husband's pig farm situated at Ulutoli intimated over telephone that husband of the first informant is found unconscious state at pig farm and when they arrived they found that the husband of the first informant was dead with marks on his neck.

It is also stated in the said FIR that the first informant suspected involvement of some person of the unnatural death of her husband including the present petitioner.

On the receipt of the said FIR with Golaghat P. S. Case No. 140/2023 was registered.

Learned counsel for the petitioner submits that the present petitioner was a good friend of the deceased and has been implicated merely on the basis of suspicion.

It is also stated that the present petitioner is ready to co-operate with the Investigating Officer in Golaghat P. S. Case No. 140/2023.

On the other hand, learned Additional Public Prosecutor placed the case diary, which was called for in this case before this Court and submits that are incriminating materials against one K. Saikia.

He also submits that though the family members of the informant have made implicating statement against the present petitioner, however, it only appears to be suspicion at this stage.

Considering the submissions made by the learned counsel for both sides as well as the materials in the case diary at this stage of the investigation, this Court is of the opinion that if the present petitioner co-operates with the Investigating Officer of Golaghat P. S. Case No. 140/2023, his custodial detention does not appear to be necessary for fair completion of the investigation.

In view of the above, the petitioner, namely, Amrit Saikia is directed to appear before the Investigating Officer of Golaghat P. S. Case No. 140/2023 within a period of ten days from the date of this order, and shall co-operate with the Investigating Officer of the said case.

If he does so, within the stipulated period of time, in the event of his arrest, in connection with Golaghat P. S. Case No. 140/2023, the petitioner, namely, Amrit Saikia shall be allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the arresting authority subject to the condition that the petitioner shall co-operate with the Investigating Officer of Golaghat P. S. Case No. 140/2023.

With the above observation, this anticipatory bail application is disposed of

JUDGE

Comparing Assistant