

GAHC010142582023



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

Case No. : Bail Appln./2288/2023

ASHOK KUMAR DEY
S/O KALA DEY
R/O H/NO. 65, ODALBAKRA, SRIKANT PATH,
NEAR HAYAT HOSPITAL, P.O. ODALBAKRA
P.S. DISPUR, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S SAHU

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.07.2023

Heard Mr. S. Sahu, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Ashok Kumar

Dey, who has been detained behind the bar since 08.06.2023 (41 days) in connection with Fatasil Ambari P.S. Case No. 125/2023 registered under Sections 341/342/294/506/325/307/34 of the IPC.

The accusation in this case is that on 08.06.2023, one Smti Kalpana Das lodged an FIR before the Officer In-charge, Fatasil Ambari Police Station, inter-alia, alleging that on 07.06.2023, when the husband of the first informant along with her daughter and nephew were coming from their residence in a car, the accused persons including the preset petitioner assaulted them and in the said assault one Tulan Das and one Sadhan Das sustained injury.

On the receipt of the said FIR, Fatasil Ambari P.S. Case No. 125/2023 was registered.

Learned counsel for the petitioner submits that there was an altercation between the injured persons and the petitioner and the petitioner has already been detained behind the bar since last 45 days, hence prays for bail.

On the other hand, learned Additional Public Prosecutor has placed on record the case diary which was called for in connection with this case. Learned Additional Public Prosecutor submits that one of the co-accused namely one Bikki is yet to be apprehended and there are incriminating materials against the present petitioner in the case diary.

Learned Additional Public Prosecutor also submits that the statement of present petitioner has already been recorded under section 161 CrPC and some of the witnesses have already been examined by the Investigating Officer.

Though, there are incriminating materials against the present petitioner in the case diary and one of the co-accused is yet to be apprehended, however considering the fact that the statement of the present petitioner has already been recorded as well as considering the period of detention undergone by the

present petitioner, his further custodial detention may not be necessary for the sake of fair completion of Fatasil Ambari P.S. Case No. 125/2023, if the petitioner co-operates with the Investigating Officer.

In view of the above, the petitioner, namely, Ashok Kumar Dey is 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 learned Chief Judicial Magistrate, Kamrup (Metro) subject to the following condition that:

1. That the petitioner shall continue to co-operate with the Investigating Officer of this case.
2. 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 or her from disclosing such facts to the Trial court.

With the above observations, this bail application is accordingly disposed of.

Let the case diary be sent back.

JUDGE

Comparing Assistant