

GAHC010151352023



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

Case No. : Bail Appln./2410/2023

LOKEN DAS
S/O SRI SANTIRAM DAS
PERMANENT RESIDENT OF VILL- NATHKUCHI,
P.O. AND P.S. TIHU,
DIST. NALBARI, 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
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.07.2023

Heard Mr. S. Bora, 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, Loken Das, who

has been detained behind the bar since 06.06.2023 (since last 45 days) in connection with Tihu P.S. Case No. 42/2023 registered under Section 394 of the IPC.

The accusation in this case is that on 06.06.2023, one Md. Jiyarul Haque lodged an FIR before the Officer In-charge of Tihu Police Station, inter-alia, alleging that on 05.06.2023 in the evening, when the informant was going to Bilnath Sanduri Ali in his truck bearing Registration No. W.B. 63 B-2452 at National Highway No. 37, he was asked to stop by police personnel near Tihu petrol pump.

It is also stated in the FIR that the first informant was asked to pay money to the said police personnel and he was also assaulted and being compelled he agreed to pay Rs. 20,000/- to the said police personnel through Phone Pay. On receipt of the said FIR, Tihu P.S. Case No. 42/2023 was registered.

Learned counsel for the petitioner submits that the petitioner has been languishing behind the bar since last 45 days and the other two co-accused have already been enlarged on bail and prays for allowing the present petitioner to go in bail on that ground.

On the other hand, learned Additional Public Prosecutor opposed the prayer for grant of bail on the ground that there are incriminating materials against the present petitioner in the case diary. He has also submitted that the investigation has fairly progressed and the statement of the present petitioner has recorded under section 161 CrPC.

I have considered the submissions made by the learned counsel for the both the sides and perused the case diary.

Considering the fact that two other co-accused are already enlarged on bail as well as also considering the period of detention undergone by the

present petitioner, his further custodial detention does not appear to be necessary for the sake of fair completion of Tihu P.S. Case No. 42/2023, if the petitioner co-operates with the Investigating Officer.

In view of the above, the petitioner, namely, Loken Das 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 Judicial Magistrate, First Class, Tihu 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