

GAHC010152732023



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

Case No. : AB/2452/2023

DHIRONJOY NAIDING AND ANR
S/O C. NAIDUNG
R/O NEAR HAFLONG GOVT. COLLEGE,
DIST. DIMA HASAO, ASSAM
PIN CODE-788819

2: SODESH JIDUNG
S/O LENTHO JIDUNG
R/O VILL- THAISALINGHAWAR
P.O. AND P.S. DEHANGI
DIST. DIMA HASAO
ASSAM
PIN CODE 78881

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.11.2023

Heard Mr. J.U.N.M. Laskar, learned counsel for the applicants and also heard Mr. B.

Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Haflong P.S. Case No.57/2023, under Section 448/294/509/186/420/384/506/34 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Dhironjoy Naiding and Sodesh Jidung, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by the Secretary, Revenue, Dima Hasao Autonomous Council, Haflong on 27.06.2023. The essence of allegation made in the aforesaid FIR is that on 27.06.2023 at about 11:30 a.m. the applicants entered into the Office of the Revenue Department, Dima Hasao Autonomous Council and started using slang language to the employees of the Revenue Department, where most of the employees were women and they have threatened the women employees and forced them to provide the service which was not possible to entertain officially and they have also recorded the video footage of the official work without permission of the authority and they have created havoc in the office premises as well as on the ground spot verification, with the same character and threatened the patowaries and other official when the verification was carried out by the patowaries and official in connection with Assam MALA Project between Diyungbra and Dehangi stretch. They have also obstructed the patowaries and Revenue Officials in discharging their duty and it is also heard that they used to collect money from the innocent villagers promising to help them in official matters.

4. Mr. Laskar, learned counsel for the applicants submits that the applicants have been granted the privilege of pre-arrest bail by this Court vide order dated 18.07.2023, and pursuant to the said order, the applicants have appeared before the I.O. and they have been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 18.07.2023 absolute, in the same terms and conditions.

5. Whereas, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary, but, as per his instruction, the investigation of the case has already been completed and the I.O. has returned the case in charge-sheet,

being Charge-Sheet No.39/2023, dated 26.07.2023.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicants to appear before the Court of learned Chief Judicial Magistrate, Dima Hasao, Haflong, on 23.11.2023 and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then interim order dated 18.07.2023 stands extended.

Sd/- Robin Phukan
JUDGE

Comparing Assistant