

GAHC010156942023



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

Case No. : Bail Appln./2656/2023

HIMANGSHU KULI AND 3 ORS
S/O ANIL KULI
R/O VILL- AMGURI
KULI GAON,
P.S. SILAPATHAR
DIST. DHEMAJI, ASSAM
PIN-787110

2: SRI CHANDRA KULI
S/O LATE LILA KULI
R/O VILL- AMGURI
KULI GAON

P.S. SILAPATHAR
DIST. DHEMAJI
ASSAM
PIN-787110

3: SRI TWINKLE @ TINKUL KULI
S/O LATE KANAK KULI
R/O VILL- AMGURI
KULI GAON

P.S. SILAPATHAR
DIST. DHEMAJI
ASSAM
PIN-787110

4: SRI GIRIDHAR KULI
S/O SARBESWAR KULI
R/O VILL- AMGURI
KULI GAON

P.S. SILAPATHAR

DIST. DHEMAJI
ASSAM
PIN-78711

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR. U DUTTA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 28-08-2023

Heard Mr. U Dutta, learned counsel for the applicants and Mr. K.K. Parashar, learned Addl. PP, Assam appearing for the state respondent.

This application under section 439 of the Code of Criminal Procedure, 1973 is preferred by accused, namely, **1. Sri Himangshu Kuli, 2. Sri Chandra Kuli, 3. Sri Twinkle @ Tinkul Kuli & 4. Sri Giridhar Kuli**, who was arrested on 28.06.2023 in connection with **Silapathar PS Case No.124/2023** under section **302/34 IPC** for grant of bail.

The applicants were arrested on 28.06.2023 and they are behind the bars since then.

Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this

case. Investigation is almost over and statements of accused have thoroughly been interrogated by the investigating agency. There is no legal evidence against the present applicants to connect them with the alleged offence. The learned Counsel further submits that the applicants are in custody since 28.06.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicants on bail.

Learned Additional Public prosecutor for the state has seriously opposed the application and prayed for its rejection.

Looking at the facts and circumstances of the case and on a perusal of the materials available on record and also the advance stage of investigation and period of detention, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.

It is directed that the applicants, above named, in connection with the aforementioned case be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- each (Rupees fifty thousand only) with one solvent surety of the like amount to the satisfaction of the learned CJM, Dhemaji with the following conditions:

- I. The applicants shall appear before the officer in charge of the concerned PS within 10 (ten) days from today.
- II. The applicants shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;
- III. The applicants shall not hamper with the

investigation of the case and tamper with the evidence of the case;

IV. The applicants 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 them from disclosing such facts to the court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant