

GAHC010164542023



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

Case No. : I.A.(Crl.)/646/2023

BRAJESWAR BORDOLOI
S/O LATE SURATH BORDOLOI, R/O VILLAGE KALIAJARI, PS MORIGAON,
DIST MORIGAON, ASSAM 782105

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:KATIRAM BANGTHAI
S/O LATE ASHOK BANGTHAI
RESIDENT OF KALIYAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 78210

Advocate for the Petitioner : MR D K BHATTACHARYYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24-08-2023
(K.R. Surana, J)

Heard Mr. DK Bhattacharyya, learned counsel for the applicant as well as
Ms. S Jahan, learned Additional Public Prosecutor for the State.

2. This Court vide order dated 17.08.2023 had directed a report of the Superintendent of Gauhati Medical College & Hospital (GMCH) to be placed before the Court on 23.08.2023. As per office note dated 23.08.2023, no such report has been received

3. The learned counsel for the applicants has submitted that as per instructions received today, the son of the applicant, namely, Sushil Bordoloi has expired today.

4. Referring to the affidavit filed on 22.08.2023, it has been submitted that due to poverty the deponent could not bring his father to admit him in the GMCH.

5. The learned Additional Public Prosecutor has submitted that as per the document which is accompanied with the affidavit filed on 17.08.2023, the applicant was fit to resume his duty.

6. The record reveals that vide order dated 05.06.2023, passed in I.A.(Crl.) 469/2023, the applicant was allowed to go on interim bail for 2 (two) months with a direction that he would surrender after the expiry of 2 (two) months. Thereafter, the applicant preferred the present interlocutory application and this Court vide order dated 02.08.2023 extended the bail upto 16.08.2023 with a direction to surrender on 17.08.2023 and thereafter vide order dated 17.08.2023, the interim bail was extended upto 24.08.2023. Therefore, considering the matter in its entirety, the Court, on consideration of the age of the applicant, which is stated to be 75 years and considering the statement made by the learned counsel for the applicant at the bar that one son of the applicant has died today, this Court is inclined to extend the interim bail of the applicant, namely, Brajeswar Bordoloi for a period of 14 (fourteen) days ending

on 07.09.2023.

7. Accordingly, it is provided that on 08.09.2023, the applicant, namely, Brajeswar Bordoloi shall have to surrender before the District Jail, Morigaon irrespective of whatever health condition he is in and whatever situation which is prevailing in his home.

8. As a condition for grant of bail, it is also provided that within 7 (seven) days from today, the applicant shall report before the jurisdictional Police Station to have his presence recorded for which, the applicant is permitted to produce a downloaded copy of this order before the Officer-In-Charge, Morigaon Police Station.

9. On appearance of the applicant before the Morigaon Police Station, the Officer-In-Charge shall record his attendance in the downloaded copy of the order and return back the said copy to the applicant for being produced before the Court on the next date of listing of the connected appeal before the Court.

10. With the observations and directions contained herein, this interlocutory application stands ***closed***.

11. It is provided that in the event, the applicant appears for his examination before the GMCH, the applicant would be at liberty to bring the medical report, prescriptions, etc to the notice of this Court, if so advised.

JUDGE

JUDGE

Comparing Assistant