

GAHC010166032023



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

Case No. : AB/2663/2023

JYOTI DOOM AND 5 ORS
S/O LATE ASHOK DOOM
R/O NANKI BASTI,
P.O. AND P.S. DULIAJAN,
DIST. DIBRUGARH, ASSAM

2: SRI PAWAN DOOM
S/O LATE ASHOK DOOM
R/O NANKI BASTI

P.O. AND P.S. DULIAJAN

DIST. DIBRUGARH
ASSAM

3: SRI ROBI DOOM
S/O LATE ASHOK DOOM
R/O NANKI BASTI

P.O. AND P.S. DULIAJAN

DIST. DIBRUGARH
ASSAM

4: SRI ABHAY DOOM
S/O SRI JYOTI DOOM
R/O NANKI BASTI

P.O. AND P.S. DULIAJAN

DIST. DIBRUGARH
ASSAM

5: SRI MOHAN DOOM

S/O LATE DEO NAN DOOM
R/O DAILY BAZAAR
P.O. AND P.S. DULIAJAN
DIST. DIBRUGARH
ASSAM

6: SRI SURAJ DOOM
S/O SRI MANOJ DOOM
R/O NALIAPOOL
DURGABARI
P.O.
PS. AND DIST. DIBRUGARH
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09-08-2023

Heard Mr. P.J. Saikia, learned Senior counsel assisted by Ms. P.J. Nirola, learned counsel for the petitioners.

Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **1) Shri Jyoti Doom, 2) Sri Pawan Doom, 3) Sri Robi Doom, 4) Sri Abhay Doom, 5) Sri Mohan Doom & 6) Sri Suraj Doom**, in connection with **Duliajan P.S. Case No. 167/2023**(corresponding to **G.R. Case No. 1081/2023**), registered under

Section 341/34/24/326 of IPC.

Case diary is received and perused the same.

It is submitted by the learned counsel for the petitioners that the petitioners are innocent and no way connected with the alleged offence that took place on 03.07.2023. The allegations levelled in the aforesaid FIR is not at all correct and has been falsely averted and the instant FIR is nothing but a counterblast of the FIR dated 03.07.2023 in connection with the Duliajan P.S. Case No. 168/2023 which was earlier lodged by the present petitioners against the informant and his companions and both the parties sustained injuries in the alleged incident. Therefore, the learned counsel for the petitioners prays that considering the nature of offence, pre-arrest bail may be granted to the petitioners in connection with the present case.

On the other hand, Ms. S.H.Bora, learned Additional Public Prosecutor for the State of Assam has opposed in granting the privilege of pre-arrest bail to the petitioners. It is also submitted by her that one person sustained injury caused by sharp weapon which is grievous in nature and falls under section 326 of the IPC.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the materials available in the case diary, it appears that one of the injured sustained injuries laceration, fracture of elbows and doctor opined that the injury was grievous in nature which falls under section 325 of IPC and the offence is bailable in nature. Considering the nature of offence, this Court finds that custodial interrogation of the petitioners is not required, therefore, the above named petitioners are granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with **Duliajan P.S. Case No. 167/2023**(corresponding to **G.R. Case No. 1081/2023**) registered under Section **341/34/24/326 of IPC**, they shall be released on furnishing bail bond of **Rs.10,000/- each** with **a suitable surety** of the like amount each, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 from disclosing such facts to the Court or to any police officer.

(c) shall not commit such offence as alleged in the FIR in future.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant