

GAHC010170452023



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

Case No. : Bail Appln./2721/2023

PRITAMJIT DUTTA @ PRITAM JYOTI DUTTA
S/O BIREN DUTTA @ DHIREN DUTTA R/O DERGAON CHARIALI P.S
DERGAON DIST. GOLAGHAT ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.08.2023

Heard Mr. A.M. Bora, learned Senior counsel assisted by Mr. D.K. Baidya, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Pritamjit Dutta @ Pritam Jyoti Dutta**, in connection

with **Dergaon P.S. Case No. 125/2023**, registered under Sections **341/294/325/353/333/506/427/34 IPC**.

It has submitted by the learned Senior counsel for the accused/petitioner that as per FIR, on the date of the incident, four persons were found on the spot where a scuffle occurred amongst the police personnel and the said boys. It is also submitted that petitioner was not present at the time of the incident. Learned Senior counsel further submitted that excepts 353/333 IPC, all other offences alleged in the FIR are bailable in nature. There is no such incident took place which falls under the provision of Section 333 IPC. He also stated that the petitioner has been detained in custody since 28.07.2023. Considering the background of the case as well as the fact as stated in the FIR, petitioner may be enlarged on bail.

In response, Ms. Bora, learned Additional Public Prosecutor has fairly submitted that she has no objection if the petitioner is released on bail.

Considering the submissions made by the learned counsel for the parties as well as the facts as stated in the FIR, this Court finds that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case. Hence, the prayer for bail is allowed.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Dergaon P.S. Case No. 125/2023**, registered under Sections **341/294/325/353/333/506/427/34 IPC**, on furnishing bail bond of **Rs.30,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned CJM, Golaghat.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Golaghat, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the

case;

(c) 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;

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

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

JUDGE

Comparing Assistant