

GAHC010171072023



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

Case No. : AB/2712/2023

KARTIK HAZARIKA
S/O LATE GIRISH HAZARIKA
R/O NAM BAGHMARA
BISWANATH CHARIALI
P.S. BISWANATH CHARIALI
DIST. SONITPUR, ASSAM
PIN-784176

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

23.08.2023

Heard Mr. T. Deuri, learned counsel for the applicant and Mr. K.K. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Biswanath Chariali P.S. Case No. 73/2023**, under Sections 326/307 of the IPC, this application under

Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, **Shri Kartik Hazarika** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Prabin Saikia, on 06.06.2023. The essence of allegation in the FIR is that on 06.06.2023, at about 6.15 pm, accused Kartik Hazarika assaulted him with a sword near State Bank of India, Biswanath Chariali with an intention to kill him and he got cut injury over his right hand finger.

4. Mr. Deuri, learned counsel for the applicant submits that in fact the applicant and the informant were attending a party and there was a tussle between them and the informant took out a knife and while the applicant tried to stop him, then the informant got cut injury over the finger of his right hand. Mr. Deuri further submits that the applicant is ready to cooperate with the investigating agency, and therefore, Mr. Deuri contended to allow the petition.

5. On the other hand, Mr. Das, learned Additional Public Prosecutor, has produced the case diary along with the injury report before this court and submits that the injury report is inconclusive. Mr. Das further submits that the IO has achieved substantial progress in the investigation and the statements of the witnesses have been recorded.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition as well as the documents placed on the record and also perused the case diary with the assistance of Mr. Das, learned Addl. P.P.

7. It appears that the IO has achieved substantial progress in the investigation and in view of the materials collected so far in the case diary

custodial interrogation of the applicant seems to be unwarranted, in the interest of investigation.

8. Accordingly, it is provided that in the event of arrest of the applicant, in connection with **Biswanath Chariali P.S. Case No. 73/2023**, under Sections 326/307 of the IPC, he shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 50,000/- only with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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; and

(iii) that the applicant shall not leave the jurisdiction of the learned **CJM, Biswanath Chariali**, without prior permission.

10. In terms of above, this AB stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant