

GAHC010171522023



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

Case No. : Bail Appln./2806/2023

SAHIL KR CHAURASIA @ SAHIL KR CHAURASIYA AND ANR
S/O LATE BEER VAN CHAURASIA
R/O PRAGATI NAGAR, BYE LANE-5, H. NO. 72, P.S. SATGAON, DIST.
KAMRUP (M), ASSAM, GUWAHATI-71.

2: ARJUN BASFOR
S/O RAJU BASFOR
R/O SATGAON
NEAR RAILWAY LINE
P.S. SATGAON
DIST. KAMRUP (M)
ASSAM
GUWAHATI-71

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.08.2023

Heard Mr. M. A. Sheikh, learned counsel for the petitioners. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, *1. Sahil Kr. Chaurasia @ Sahil Kr. Chaurasiya and 2. Arjun Basfor* who are facing trial in Sessions Case No. 223/2022 under Section 302 of IPC pending before the Court of learned Additional Sessions Judge No. 2, Kamrup(M), Guwahati. The petitioners were arrested during the pendency of the investigation on 24.06.2022 (414 days).

It is submitted by learned counsel for the petitioners that charge-sheet which was laid against the present petitioners apart from the present petitioners, five others accused were charge-sheeted and it is submitted by learned counsel for the petitioners that all other five have been enlarged on bail. Hence, on the ground of parity, learned counsel for the petitioners prays for allowing the present petitioners to be enlarged on bail. It is also submitted that in the charge-sheet total nineteen prosecution witnesses were listed and only one has been examined till now and it is unlikely that the trial will culminate soon.

On the other hand, learned Additional Public Prosecutor submits that the petitioner no. 1 is the main accused in the instant case and though she also submits that the period of detention undergone by the present petitioners is long. However, she opposes the grant of bail to both of them.

I have considered the submissions made by learned counsel for both sides as well as perused the materials on record along with the annexures annexed with the instant bail petition which include various orders of the learned Additional Sessions Judge No. 2, Kamrup(M).

Considering the fact that out of total seven numbers of co-accused who are facing trial in Sessions Case no. 223/2023, five have already been enlarged on

bail and the present petitioners are languishing behind the bar since last 414 days. It also appears that the present petitioners are the permanent residence of Satgaon under the jurisdiction of Additional Sessions Judge No. 2, Kamrup(M), further custodial detention of the present petitioners does not appear to be necessary, if they cooperate in their trial.

In view of the above, the present petitioners, namely, *1. Sahil Kr. Chaurasia @ Sahil Kr. Chaurasiya and 2. Arjun Basfor* are allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only each with one surety of like amount to the satisfaction of learned trial court, subject to the condition:-

- (i) That the petitioners shall cooperate in their trial and shall appear before the trial court as and when so required by the learned trial court,
- (ii) That the petitioners shall not influence the witnesses in any manner.

With the above observations, the instant bail application is hereby disposed of.

JUDGE

Comparing Assistant