

GAHC010181742023



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

Case No. : Bail Appln./2897/2023

ATANU PATHAK
S/O- LATE BIPIN CHANDRA PATHAK, R/O- DAKHINGAON, KAHILIPARA,
NEAR EIDGAH MAIDAN, P.O. KAHILIPARA, P.S. DISPUR, PIN- 781019, DIST.
KAMRUP(M), GUWAHATI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

29.08.2023

1. This is an application made under Section 439 Cr. P.C. seeking bail by the accused/petitioner, namely, **Atanu Pathak**, who was arrested on 06.08.2023 in connection with Dispur PS Case No. 1291/2023 being

registered under Sections 302/34 of IPC.

2. Heard Mr. A. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam who produced the Case Diary.
3. The petitioner was arrested on 06.08.2023 and he is behind bar for last 23 days.
4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Investigation is almost over and statement of accused has thoroughly been interrogated by the investigating agency. There is no legal evidence against the present petitioner to connect him with the alleged offence. The learned Counsel further submits that the petitioner is in custody since 06.08.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the petitioner on bail.
5. Learned Additional Public prosecutor for the State has seriously opposed the application and prayed for its rejection.
6. Perused the materials available on case diary which shows that during the course interrogation, the present petitioner has cooperated with the investigation and the CCTV footage has also been seized and sent for analysis by expert. From the the I.O.'s note, based on such CCTV footage, it is seen that the I.O. has not implicated the present petitioner rather one Pankaj who was the night security guard has been implicated. Considering the matter in entirety and the material available on record and also the advance stage of investigation and period of detention, without

commenting on the merits of the case, this Court is of the opinion that no further custodial interrogation/detention is required. Accordingly, the present application is allowed.

7. It is directed that the petitioner, name above, be released on bail in connection with the case aforementioned, on his furnishing a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati with the following conditions:-

- (a) Shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him;
- (b) Shall not hamper with the investigation of the case and 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 office.

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

Return the case diary.

JUDGE

Comparing Assistant