

GAHC010191182023



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

Case No. : Bail Appln./3035/2023

KOKIL KASHYAP
S/O- SRI BIPIN CHANDRA KALITA, R/O- HOUSE NO.39, LANKESWAR,
OPPOSITE GANESH TEMPLE, P.O. GAUHATI UNIVERSITY, P.S. JALUKBARI,
DISTRICT- KAMRUP (M), ASSAM, PIN- 781014

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR GAUHATI HIGH COURT

Advocate for the Petitioner : MR N N UPADHYAYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 30-08-2023

1. Heard Mr. N N Upadhyaya, learned counsel for the applicant and Mr. D Das, learned Addl. PP, Assam appearing for the state respondent.
2. This application under section 439 of the Code of Criminal

Procedure, 1973 is preferred by accused, namely, **Kokil Kashyap** who was arrested on 18.08.2023 in connection with **BI(EO) PS Case No.09/2022** under sections 120 B/467/420/406/409/468/471/472/475 IPC corresponding to GR Case No.4421/2021 arising out of Dhubri PS Case No.1361/2021 under sections 120B/467/420/406/409/468/471/472/475 IPC.

3. The petitioner was arrested on 18.08.2023 and he is behind the bars since then.

4. Learned counsel for the applicant submits that the applicant is innocent and he 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 applicant to connect them with the alleged offence. The learned Counsel further submits that the applicant is in custody since 18.08.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicant on bail.

5. Learned Additional Public prosecutor for the state has seriously opposed the application and prayed for its rejection.

6. On a perusal of the materials available on record it is seen that the investigation is at an advance stage. One Dilip Kr Paul is the prime accused in this case and he has already been released on bail. The investigating officer has already seized the documents which are necessary for investigation and therefore, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention of the applicant is

required. Accordingly, the present application is allowed.

7. It is directed that the applicant, above named, in connection with the aforementioned case be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) with one solvent surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) with the following conditions:

I. The applicant shall appear before the officer in charge of the concerned PS within 10 (ten) days from today.

II. The applicant shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

III. The applicant shall not hamper with the investigation of the case and tamper with the evidence of the case;

IV. 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 them from disclosing such facts to the court or to any police officer.

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

JUDGE

Comparing Assistant