

GAHC010196052023



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

Case No. : AB/3045/2023

DULAL CHANDRA DUTTA AND 4 ORS.
S/O LATE MAYARAM DUTTA
R/O VILL- KAKOJAN BONGAON,
P.O. KAKOJAN
P.S. TEOK
DIST. JORHAT
PIN-785107

2: SRI GOKUL CHANDRA DUTTA
S/O LATE MAYARAM DUTTA
R/O VILL- KAKOJAN BONGAON

P.O. KAKOJAN
P.S. TEOK
DIST. JORHAT
PIN-785107

3: SRI DILIP DUTTA
S/O LATE TULASHI DUTTA
R/O VILL- KAKOJAN BONGAON

P.O. KAKOJAN
P.S. TEOK
DIST. JORHAT
PIN-785107

4: SIR PROKASH JYOTI DUTTA
S/O SRI DILIP DUTTA
R/O VILL- KAKOJAN BONGAON

P.O. KAKOJAN
P.S. TEOK
DIST. JORHAT
PIN-785107

5: AKASH JYOTI DUTTA
S/O SRI DILIP DUTTA
R/O VILL- KAKOJAN BONGAON

P.O. KAKOJAN
P.S. TEOK
DIST. JORHAT
PIN-78510

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. C BORUAH

Advocate for the Respondent : PP, ASSAM

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

13.09.2023

Heard Mr. C. Boruah, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State of Assam.

By this Application under Section 438 of the Cr.P.C., the petitioners namely, **(1) Sri Dulal Chandra Dutta, (2) Sri Gokul Chandra Dutta, (3) Sri Dilip Dutta , (4) Sri Prokash Jyoti Dutta and (5) Akash Jyoti Dutta** are seeking pre-arrest bail in connection with the Teok P.S. Case No. 64/2023 under Sections 304/34 of IPC.

This Court vide order dated 01.09.2023 has granted interim protection to the petitioner No. 1, namely Sri Dulal Chandra Dutta, while calling for case diary.

Case diary as called for has been received.

the Case Diary produced by the learned Addl. P.P., and the basis of materials available on record reveals that the petitioners put electrical fencing to protect their paddy field from animals and encroachers and the victim while going there, touched such electrical fencing and due to shock, had expired,

The stage of investigation as well as the materials so far collected and the nature of involvement of the present petitioners, in the considering opinion of this Court the petitioners have made out a good case for granting them pre-arrest bail in as much as considering the stage of the investigation, in the opinion of the Court, no custodial interrogation shall be necessary.

As such, this Anticipatory Bail Application is hereby disposed of by providing that in the event of arrest in connection with Teok P.S. Case No. 64/2023 under Sections 304/34 of IPC, the petitioners, namely, **(1) Sri Dulal Chandra Dutta, (2) Sri Gokul Chandra Dutta, (3) Sri Dilip Dutta , (4) Sri Prokash Jyoti Dutta and (5) Akash Jyoti Dutta**, shall be released on bail on furnishing a bond of Rs.30,000/- and one local surety of the like amount each to the satisfaction of the arresting authority with the following condition that:

- (1) The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (2) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,

(3) The petitioners 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,

(4) The petitioners shall appear before the Officer-in-Charge, Teok Police Station within 10 (ten) days from today,

(5) The petitioners shall continue to appear before the Investigating Officer of the above mentioned case after every 10 (ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Accordingly, this bail application stands disposed of.

JUDGE

Comparing Assistant