

GAHC010207062023



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

Case No. : Bail Appln./3280/2023

DIGANTA SAIKIA @ DIGANTA DAS
S/O MOHIRAM SAIKIA
R/O RATHSOLA GALI
FATASIL AMBARI
P.S. BHARALUMUKH, GUWAHATI
DIST. KMARUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.10.2023

Heard Mr. A. Islam, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Diganta Saikia

@ Diganta Das who has been detained behind the bar since 05.09.2023 in connection with Bharalumukh P. S. Case No. 281/2023 under Section 294/325/307 of the Indian Penal Code.

The gist of accusation against the present petitioner is that on 03.09.2023, one Rupanjali Das had lodged an FIR before the Officer-in-Charge of Bharalumukh Police Station, *inter-alia*, alleging that the present petitioner, who is a Security Guard had engaged in altercation with her husband and he assaulted him causing injuries on his person. It is also stated that the husband of the first informant is a cancer patient.

On receipt of the said FIR, Bharalumukh P. S. Case No. 281/2023 was registered.

Learned counsel for the petitioner has submitted that though there was an altercation between the present petitioner and the husband of the informant, however, he denies the fact that he had assaulted the husband of the first informant.

It is also submitted that the considering the period of detention undergone by the present petitioner, he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Bharalumukh P. S. Case No. 281/2023, and has submitted that there are incriminating materials against the present petitioner in the case diary and there is evidence that he had assaulted the injured person, however he also submits that injury report is yet to be collected.

It is further submitted that investigation has otherwise fairly progressed and the Investigating Officer has recorded the statements of the relevant witnesses.

Considering the submissions made by learned counsel for both sides as

well as considering the materials available in the case diary, though there are incriminating materials against the present petitioner in the case diary, however, as the investigation has fairly progressed and also considering the period of detention already undergone by the present petitioner, his further custodial detention does not appear to be necessary for fair completion of the investigation of Bharalumukh P. S. Case No. 281/2023.

In view of the above, the present petitioner, namely, Diganta Saikia @ Diganta Das is hereby allowed to go on bail Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati with a condition that:

- i. That the petitioner shall not directly or indirectly make any inducement, threat, or promise to the first informant or any other person who is acquainted with the facts of the case, so as to dissuade such persons from disclosing such facts to the Investigating Officer of the said case or any Court.
- ii. That the petitioner shall co-operate with the Investigating Officer of the Bharalumukh P. S. Case No. 281/2023.

With the above observations, this bail application is accordingly disposed of.

Sent back the case diary.

JUDGE

Comparing Assistant