

GAHC010213042023



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

Case No. : Bail Appln./3367/2023

DEEP BARMAN
S/O- LT. ASHISH BARMAN, R/O- VILL- CHOWKITUP, P.S. NAGAON, DIST.-
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04-10-2023

Heard Mr. G. Uddin, learned counsel for the accused and also heard Mr. D. Das, learned Addl. P.P. for the State respondent. This application under Section 439 Cr.P.C. is preferred by the accused, namely, Deep Barman, who has been languishing in jail hajot since 24.7.2023, in connection with Sessions Case No. 174/2023, arising out of Sonapur P. S. Case No. 145/2023 (GR No. 5427/2023), u/s 366/511/354 (D)/506 IPC, for granting bail.

The above noted case has been registered on the basis of an FIR lodged by one Babul Barman on 23.7.2023

The essence of allegation made in the FIR dated 23.7.2023 is that since long the accused Deep Barman has been harassing his daughter, Smt 'X' (name withheld) as she refused to accept his proposal, and he also tried to kidnap her on several occasions and also threatened the family members and his daughter and on 23.7.2023 at about 12-20 P.M the informant attempted to kidnap his daughter and then local people apprehended him and handed him over to the police.

Mr. Uddin, learned counsel for the accused submits that the accused was arrested on 24.7.2023, and since then, he has been languishing in jail hazot for last 71 days. Mr. Uddin further submits that the investigation has already been completed and charge has been submitted against the accused u/s 366/511/354 (D)/506 IPC and that the accused is ready to face trial and therefore, it is contended to allow the petition.

On the other hand, Mr. D. Das, learned Addl. P.P. submits that charge sheet has already been submitted and the I.O. has collected some materials against the accused and therefore, Mr. Das has opposed the petition.

Having heard the submission of learned Advocates for both side and I have carefully gone through the petition and the documents placed on record .

It is not in dispute that the investigation has already been completed and charge sheet has been submitted against the accused. Since charge sheet has been submitted after completion of investigation, there is no scope for hampering investigation or tampering the witnesses. Now trial will start and accused has to prepare his defence. It also appears that the accused is behind the bar for 71 days.

In view of the above, further custodial detention of the accused seems to be not warranted, and therefore, balancing the period of detention with that of the nature and gravity of the offence, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Addl. Sessions Judge, FTC, No.4, Kamrup(M), Guwahati the accused person be enlarged on bail.

In terms of above, this bail petition stands disposed of.

JUDGE

Comparing Assistant