

GAHC010233412023



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

Case No. : Bail Appln./3587/2023

PROMUD PRADHAN AND 3 ORS
S/OLATE MOHAN PRADHAN
R/OMITHA AAMTOL
P.S. JALUKBARI
DIST. KAMRUP (METRO)
ASSAM

2: BISWA BARO
S/O SRI LAKHI BORO
R/O MITHA AAMTOL
P.S. JALUKBARI
DIST. KAMRUP (METRO)
ASSAM

3: RAMIT BH. CHETRY
S/O SRI OM BAHADUR CHETRY
R/O MITHA AAMTOL
P.S. JALUKBARI
DIST. KAMRUP (METRO)
ASSAM

4: BINOD THAPA
S/O LATE BIRMAN THAPA
R/O MITHA AAMTOL
P.S. JALUKBARI
DIST. KAMRUP (METRO)
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR P K KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 17-10-2023

Heard Mr. P K Kalita, learned counsel for the applicants and Mr. R.J Baruah, learned Addl. PP, Assam appearing for the state respondent.

This application under section 439 of the Code of Criminal Procedure, 1973 is preferred by accused, namely, **1. Promud Pradhan, 2. Biswa Boro, 3. Ramit Bh. Chetry & 4. Binod Thapa.** who were arrested on 04.09.2023 in connection with **Jalukbari PS case No.523/2023** under sections **120(B)/447/147/148/149 /302/326 IPC.**

Case diary called for is received and the same is perused.

Learned counsel for the applicant submits that the applicants are innocent and they have been falsely implicated in this case. Investigation is almost over and the accused have been thoroughly interrogated by the investigating agency. There is no legal evidence against the applicant Nos.1, 2 and 4 i.e., **1. Promud Pradhan, 2. Biswa Boro, & 4. Binod Thapa** to connect them with the alleged offence. The learned Counsel further submits that the applicants are in custody since 04.09.2023 and the conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicants on bail.

From the case diary it is seen that most of the witness specifically

named one Amit Chetry, Arun Chetry, Krishna Thapa and Dhunu Basumatary, as the main culprit in committing the crime, inasmuch as the learned Addl. PP on instructions from the I/O submits that these persons are absconding and they are very influential person and there is a chance that they might influence the witnesses. Some of the witnesses also named Ramit Bh. Chetry, Rahul Dea and Dhireswar Brahma in the commission of the offence and beating the deceased. However, the present petitioners namely, **Promud Pradhan, Biswa Boro and Binod Thapa** are not specifically named by the eye witnesses, though it is alleged that the group of accused consisted of 13 to 15 persons.

Looking at the facts and circumstances of the case and on a perusal of the materials available on record, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention of the petitioners Promud Pradhan, Biswa Boro and Binod Thapa is required. Accordingly, the present application so far relating to the applicants **1. Promud Pradhan, 2. Biswa Boro, & 4. Binod Thapa** arrested in connection with the aforementioned case be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- each (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 not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;

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

III. 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.

So far as the applicant No.3 ***Ramit Bh. Chetry*** is concerned, in view of the materials available and as discussed hereinabove, it stands rejected at this stage.

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

Return the case diary.

JUDGE

Comparing Assistant