

GAHC010231542023



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

Case No. : Bail Appln./3645/2023

NIMA
S/O NAKCHU
R/O VILL- LOKCHINA
P.S. PHUNSHOLING
COUNTRY- BHUTAN

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10-10-2023

Heard Mr. A. Choudhury, learned counsel for the accused and also heard Mr. K. K. Parasar, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Mr. Nima, who has been languishing in jail since 09.09.2023, in connection with Tamulpur P.S. Case No. 220/2023, under Sections 353/354/294 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one WSI (P) Smti 'X' (name withheld), on 9.9.2023.

The essence of allegation, made in the FIR, dated 9.9.2023, is that on 9.9.2023, at about 9 PM, near Sani Mandir, Menaka Bagan, a 12 wheeler Truck broke down in the middle of the road and the same caused obstruction to the traffic flow from both ends of the road and thereafter, police personnel from Daranga Mela Out Post arrived at the location and was managing the traffic, then, one person alighted from one bus, registered in Bhutan, namely Mr.Nima, and created ruckus and started abusing the police personnel and obstructed the police personnel from carrying out their duties and then, he was taken to the Police Out Post and when he was asked why he had created unprovoked ruckus, then he grabbed her collar and neck, groped her chest and pushed her.

Mr. Choudhury, learned counsel for the accused submits that the accused was arrested on 9.9.2023 and since then, he has been languishing in jail hazot for more than one month and his custodial detention may not be required in the interest of investigation and therefore, it is contended to allow this petition.

On the other hand, Mr. K.K.Parasar, learned Addl. P.P. opposed the petition and submits that case diary may be called for.

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

It appears that accused was arrested on 9.9.2023, and since then, he was languishing in the jail hazot.

Having regards to the nature of accusation and the punishment prescribed for the same and balancing the same with the period of detention, this Court is of the view that further custodial detention of the accused seems to be not warranted, in the interest of investigation. And accordingly, 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 Chief Judicial Magistrate, Baksa, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant