

GAHC010231572023



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

Case No. : AB/3615/2023

S. JAYANTA SINGHA
S/O- SERAM BASANTA SINGHA, R/O- RAJYESWARPUR PART-4,
NITYANANDAPUR PART-2, P.S. LALA, DIST. HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : R L CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

20.11.2023

Heard Mr. D. Doley, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, S. Jayanta Singha, who is

apprehending his arrest in connection with Lala PS Case No. 249/2023 under Section 341/326/295A/307/34 of the Indian Penal Code.

The accusation against the present petitioner is that on 28.09.2023, one L. Tun Khan Siam has lodged an FIR before the Officer-In-Charge of Lala Police Station, *inter-alia*, alleging that on the date of lodging FIR when the first informant was going to his home from his office, that his, the Punjab National Bank of which, he is the Branch Manager, he was heard abusive language by one person, who was riding a two-wheeler bearing Registration No. AS11X2479 and he was assaulted by the said person causing injuries on his person.

Learned counsel for the petitioner has submitted that the allegation levelled against the present petitioner in the FIR is not true.

It is submitted by learned counsel for the petitioner usually the son of the petitioner used to ride the two-wheeler scooty, which is owned by the present petitioner.

It is also submitted by the learned counsel for the petitioner that the son of the petitioner was arrested in connection with this case and later on, he was released on bail.

It is further submitted by the learned counsel for the petitioner that the petitioner is ready to co-operate in the investigation.

On the other hand, learned Additional Public Prosecutor has opposed the grant of bail to the present petitioner on the ground that the case diary of Lala PS Case No. 249/2023 which is produced today before the Court shows that the statement of witnesses recorded during the investigation by the Investigating Officer implicates the present petitioner.

However, learned Additional Public Prosecutor also submits that the injury report, which is available in the case diary shows that the victim sustained three

injuries which are simple in nature caused by blunt weapons.

Considering the fact that the investigation has fairly progressed and also considering the fact that the injuries sustained by the victim are simple of nature, custodial detention of the present petitioner does not appears to be necessary, if the petitioner otherwise co-operates with the Investigating Officer in the investigation.

In view of above, the petitioner, namely, S. Jayanta Singha is hereby directed to appear before the Investigating Officer of Lala PS Case No. 249/2023 within a period of 10(ten) days from the date of this order and co-operate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest in connection with Lala PS Case No. 249/2023, the above named petitioner shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement threat or promise to the victim or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

With the above observation, this anticipatory bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant