

GAHC010234752022



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

Case No. : Bail Appln./3132/2022

RAJESH DAS
S/O- GANESH CHANDRA DAS ,
R/O- RAMDIA, KAHIBARI,
P.S- HAJO, DIST- KAMRUP, PIN-781102 ASSAM,
REP. BY SABITRI DAS ,
W.O- GANESH CHANDRA DAS

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. D M NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 04-01-2023

Heard Mr. D.M. Nath, learned counsel for the accused-petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973, the accused-petitioner viz. Sri Rajesh Das has prayed for his release on bail in connection with Hajo Police Station Case no. 926/2022, registered for offences under Sections 341/326/307/34, Indian Penal Code [IPC].

3. In the First Information Report [FIR] lodged on 04.10.2022, the informant has named 3 [three] persons as accused with the present accused-petitioner as accused no. 2 [A-2]. As per the FIR, at around 07:45 p.m. on 03.10.2022, the informant's husband was waylaid by the accused persons and thereafter, he was attacked by the accused persons by sharp weapons. As a result, the informant's husband sustained cut injuries on his hands. Because of the injuries, the informant's husband had to be admitted in the hospital.

4. The accused-petitioner was arrested and produced before the Court of learned Judicial Magistrate First Class, Hajo on 11.10.2022 and on being so produced, he was remanded to custody. Thus, since 11.10.2022, the accused-petitioner is in custody.

5. Mr. Goswami, learned Additional Public Prosecutor has produced the case diary. From the materials in the case diary, collected during the course of investigation carried out so far, it has emerged that the statements of most of the vital witnesses have been recorded under Section 161, CrPC including the statement of the injured under Section 161, CrPC. As per the injury report available in the case diary, the injured sustained grievous injury and the injuries were reportedly caused by blunt object. The accused-petitioner is in custody for 86 days since 11.10.2022.

6. Considering the progress made in the investigation of the case and the period of detention of the accused-petitioner for 86 days since 11.10.2022, this

Court is of the considered view that custodial detention of the accused-petitioner for any further period for the purpose of carrying out further investigation appears not necessary and if the accused-petitioner is released on bail, at this stage of investigation, further investigation of the case is not likely to be prejudicially affected, provided the accused-petitioner continues to extend his assistance and cooperation in the further investigation of the case.

7. Accordingly, the accused-petitioner is allowed to be enlarged on bail on furnishing a bail bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Judicial Magistrate First Class, Hajo, subject to the following conditions :-

[1] The accused-petitioner shall cooperate with the investigation and shall thereafter, make himself available as and when his presence is required by the I.O. in the investigation of the case;

[2] The accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer; and

[3] The accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

This application stands disposed of in the afore-mentioned terms.

JUDGE

Comparing Assistant