

GAHC010244452023



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

Case No. : Bail Appln./3923/2023

AJAY KALITA
S/O SUKAN CH. KALITA
R/O HOUSE NO. 1, PANJAARI
BAGHARBORI, SWEETLAND BYE-LANE, P.S. SATGAON, GUWAHATI-
781037, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06-12-2023

Heard Mr. P K Das, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner was arrested on 14.02.2023 in connection with Dispur Police Station Case No. 2284/2022 registered under Sections 365/387 IPC with added Sections

120(B)/364(A)/344/302/201 IPC, corresponding to GR Case No. 8457/2022, wherein Charge-Sheet has been filed by the Investigating Officer of the said case and accordingly, Sessions Case No. 106/2023 (PRC No. 741/2023) under Sections 365/387/120(B)/364(A)/344/302/201 of IPC has been registered and presently pending before the learned Additional Sessions Judge No. 1, Kamrup (Metro) at Guwahati.

3. Earlier the petitioner approached this Court for his bail in said Dispur Police Station Case No. 2284/2022 by filing Bail Application No. 1586/2023, that was rejected by this Court by order dated 15.03.2023 on perusal of the Case Diary.

4. After Charge Sheet has been filed, the petitioner approached the learned Additional Sessions Judge No. 1, Kamrup (Metro) at Guwahati in said Sessions Case No. 106/2023 for his bail and the learned Court by order dated 01.08.2023 rejected the bail prayer of the petitioner as well as the other prime accused, namely, Pranab Ranghang, granting bail to the other accused persons of the case.

5. Mr. P K Das, learned counsel for the petitioner placed before the Court a copy of the order dated 15.11.2023 passed by a Co-ordinate Bench of this Court in BA No. 3519/2023, whereby the said prime accused person of Dispur Police Station Case No. 2284/2022, namely, Pranab Ronghang @ Pronob Ronghang was granted bail in that case.

6. It is submitted that only the petitioner, one of the accused person of Dispur Police Station Case No. 2284/2022 is left out and is yet to be granted bail in the said Dispur P.S. case.

7. On being enquired, it is submitted that Charges are yet to be framed in said Sessions Case No. 106/2023, that is fixed on 07.12.2023.

8. From the records of the Sessions Case No. 106/2023, it is seen that the learned Trial Court is prima-facie of the view that the present petitioner along with the other prime accused person, Pranab Ronghang played an active role and pre-planned for committing the alleged offence, particularly, kidnapping of the deceased and for seeking ransom from the father of the deceased for release of his son, i.e., the deceased.

9. Considering the fact that the other accused persons of said Dispur P.S. Case No. 2284/2022 including the prime accused, namely, Pranab Ronghang have already been released on bail and the period of detention of the petitioner in custody since 14.02.2023, the Court is of the view that further custodial detention of the petitioner is not warranted for investigation of said Dispur P.S. Case No. 2284/2022.

10. Accordingly, the petitioner, namely, **Ajay Kalita**, be released on bail in said Sessions Case No. 106/2023 arising out of Dispur P.S. Case No. 2284/2022 on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge No. 1, Kamrup (Metro), Guwahati on conditions that the petitioner shall – (i) appear before the learned Trial Court in said Sessions Case No. 106/2023 arising out of Dispur P.S. Case No. 2284/2022 as and when the date(s) of the said case are fixed; (ii) not leave Guwahati City of Kamrup (Metro), without obtaining prior written permission from the learned Trial Court of said Sessions Case No. 106/2023; (iii) surrender his passport, if any, before the concerned Trial Court of said Sessions Case No. 106/2023 (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) 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 and any other terms that may be set by the concerned Trial Court, failing which, the bail granted to him in the aforesaid Sessions Case No. 106/2023 shall stand automatically vacated.

11. Failure on the part of the petitioner to comply with any of the terms and conditions as specified above and any violation of the aforesaid terms and conditions by the petitioner, namely, **Ajay Kalita**, bail granted to him in said Sessions Case No. 106/2023 shall stand automatically vacated and further, the learned Trial Court shall be at liberty to reject the bail prayer of the petitioner.

12. This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant