

GAHC010250672023



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

Case No. : Bail Appln./4065/2023

MANOJ PRAJAPAT
S/O- LATE JAI CHAND LAL PRAJAPAT, R/O- VILLAGE- KOCHGAON,
BISWANATH, P.O. AND P.S. BISWANATH CHARIALI, DISTRICT- BISWANATH
(ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR OF ASSAM

Advocate for the Petitioner : MR. M RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 22.11.2023

Heard Mr. M. Rahman, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Manoj Prajapat* who has been detained behind the bar since 10.10.2023 (since last 44 days) in connection with Biswanath Chariali P.S. Case No. 133/2023 under Section 306 of the Indian Penal Code.

The gist of accusation in this case is that one Ranjan Das, SI of Police of Biswanath Chariali Police Station had lodged an FIR before the Officer-in-Charge of Biswanath Chariali Police Station on 09.10.2023, *inter alia*, alleging that on 08.10.2023 at about 12 PM an information was received in the Police Station that one person has hanged himself inside the shop, namely, Agnigarh Enterprise and when the Police party reached the place of occurrence and it was found that the name of the deceased was Vishnu Kant Prajapat and the matter was immediately informed to the Executive Magistrate and when the Executive Magistrate arrived there one suicide note was recovered from the back pocket of the trouser of the deceased persons wherein the present petitioner was stated to be responsible for committing of suicide by Vishnu Kant Prajapat @ Bablu and accordingly Biswanath Chariali P.S. Case No. 133/2023 was registered under Section 306 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the allegations levelled against the present petitioner in the FIR are false and he is in no manner responsible for the suicide by the deceased, namely, Vishnu Kant Prajapat. It is submitted that both the deceased and the present petitioner are the businessman in the same locality, however, apart from that there is no other factor to show that the present petitioner in any manner involved in aiding or abetting the suicide by Vishnu Kant Prajapat. It is also submitted that the petitioner does not know and does not find any reason why his name has been mentioned in the suicide note left by the deceased.

On the other hand, learned Additional Public Prosecutor has submitted that the investigation has fairly progressed. The suicide note has been seized by the investigating Officer and statement of witnesses have been recorded under Section 161 of the Code of Criminal Procedure, 1973. However, apart from the suicide note, none of the witnesses have implicated the present petitioner in the offence alleged

against him in the FIR.

Considering the submission made by learned counsel for both sides as well as considering the materials available on record and also considering the fact that the petitioner has already been detained behind the bar since last 44 days, in the considered opinion of this Court, his further custodial detention does not appear to be necessary for fair completion of the investigation of Biswanath Chariali P.S. Case No. 133/2023.

In view of the above, the petitioner, namely, *Manoj Prajapat* is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Biswanath Assam.

With the above observations, this bail application is, accordingly, disposed of.

Send back the case diary.

JUDGE

Comparing Assistant