

GAHC010256972022



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

Case No. : Bail Appln./3514/2022

INDRAJIT DEB
S/O- SONAR CHAND DEB, R/O- GULTILLA, CHOTO DUDHPATIL, P.S-
SILCHAR, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

05.01.2023

Heard Mr. J.M.A. Choudhury, learned counsel for the accused-petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [Cr.PC], the accused-petitioner viz. Indrajit Deb has prayed for his release on bail in connection with Silchar Police Station Case no. 2320/2022, registered for the offences under Sections

147/149/448/326/307/379, Indian Penal Code [IPC].

3. One Lipa Das, as the informant, has lodged the First Information Report [FIR] on 07.10.2022 naming 6 [six] persons along with others as accused. The allegations are to the effect that on 05.10.2022 when the informant, her husband [Ajay Das] and their daughter [Rimpi Das] were returning home, the accused persons suddenly attacked them with dao and other dangerous weapons. As per the informant, the accused-petitioner gave cut blows on Ajay Das's head and also made assault on the forehead of Rimpi Das. The accused, Bishwajit Deb had allegedly gave one cut blow on the informant's head and the accused, Pronoti Deb had allegedly snatched chain and earrings from the informant.

4. When the concerned case diary was earlier produced on 28.11.2022 for the purpose consideration of the bail prayer of the arrested accused person including the present accused-petitioner, it was found from the injury reports of the informant and other injured persons that the nature of injury sustained by the informant's husband [Ajay Das] were grievous in nature and the same was caused by sharp weapon. From the injury reports, the injuries sustained by the other two injured persons were simple in nature and were caused by blunt objects. Having regard to the nature of the involvement of the accused persons including the accused-petitioner in inflicting the injuries on the concerned injuries persons, the prayer for bail of the accused-petitioner was declined on 28.11.2022, while extending the benefit of bail to the other two arrested co-accused persons viz. Pronoti Deb and Bishwajit Deb.

5. The learned Additional Public Prosecutor has submitted that he has not received the case diary despite sending requisitio for the same. He has, however, submitted, on instruction, that the investigation has not yet been completed resulting into a charge sheet.

6. As the injury reports of the injured persons are available; the vital witnesses have already been examined during the course of investigation initiated on 07.10.2022; and considering the fact that the accused-petitioner is in custody for 89 days since 09.10.2022, this Court is of the considered view that further custodial detention of the accused-petitioner is not necessary for the purpose of carrying out further investigation of the case and his

release on bail, at this stage of investigation, is unlikely to bring any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

7. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Cachar, Silchar, subject to the conditions that :-

- [i] the accused-petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer [I.O.] of the case;
- [ii] 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;
- [iii] 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;
- [iv] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and
- [v] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

8. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant