

GAHC010259452022



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

Case No. : Bail Appln./3517/2022

KALYAN DUTTA
S/O LATE PUNESWAR DUTTA
A RESIDENT OF VILL- UJONI JALBHARI
P.O. JALBHARI, P.S. DHAKUAKHANA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

06.01.2023

Heard Mr. M.A.I. Hussain, 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. Kalyan Dutta has prayed for his release on bail in connection with

Dibrugarh Police Station Case no. 729/2022, registered for the offences under Sections 120B/341/395/307/143, Indian Penal Code [IPC].

3. After arrest, the accused-petitioner was produced before the Court of learned Chief Judicial Magistrate, Dibrugarh on 03.12.2022. On being so produced, the accused-petitioner was remanded to custody.

4. The First Information Report [FIR] in connection with Dibrugarh Police Station Case no. 729/2022 is lodged on 27.11.2022 by one Smti. Sarita Sharma as the informant, who is the mother of one Sri Anand Sharma, a student of M.Com, 1st Semester, Department of Commerce, Dibrugarh University. In the FIR, the informant has specifically named 5 [five] persons as accused including the accused-petitioner, along with several others. The allegations *inter alia* are to the effect that the accused persons had ragged on her son. In the course of ragging, the accused persons looted money and snatched away the mobile phone of her son [the victim]. The victim was earlier allegedly tortured mentally and physically by the accused persons. The allegation was also to the effect that there was attempt to kill the informant's son [the victim] as the victim lodged a complaint against them. Finding no other alternatives and failing to bear the brunt to severe torture, the victim jumped off from the hostel building to save his life and sustained grievous injuries on the various parts of the body.

5. I have gone through the materials in the case diary, produced by the learned Additional Public Prosecutor. From the materials in the case diary, it has emerged that there were series of incidents of continuous ragging not only on the victim, mentioned in the FIR, but on several other students of the University as well. The series of incidents had its genesis in complaint lodged by the victim on 07.11.2022 before the Warden, PNGBCN Hostel [Block-C], Dibrugarh University wherein he brought allegation about ragging in the hostel by many of the other students of the University. The said complaint was forwarded by the Warden, PNGBCN Hostel [Block-C], Dibrugarh University to the office of the Vice Chancellor & Chairman, Anti-Ragging Committee, Dibrugarh University on 18.11.2022. It has emerged from the materials in the case diary that since lodgement of the complaint as regards ragging, few of the students and ex-students of the University started harassing the victim

and few other students in the name of ragging which included severe mental and physical torture. The accused-petitioner herein is amongst the accused persons whose names have figured in the statements of all the ragged on students. The statements of the victim students including the victim referred to in the FIR herein, specifically including the name of the accused-petitioner herein, against who serious allegations of ragging have been made. The tortures in the name of ragging were in various forms including severe physical and mental tortures. The injury reports of few of the ragged on students are available in the case diary. The injury reports go to corroborate the versions given by the students who were ragged on by the accused persons named in the FIR including the accused-petitioner.

6. Though it is submitted on behalf of the accused-petitioner that considering the period of custody of the accused-petitioner, the bail prayer of the accused-petitioner may be considered, this Court is of the considered view that there are ample incriminating materials in the case diary against the accused-petitioner. The incriminating materials in the case diary go to indicate that the incident of ragging is not a single incident but the same were for several days and the tortures on the students were severe mental and physical tortures in continuous manner. In such view of the matter, this Court is not inclined to allow the prayer for bail to the accused-petitioner, at this stage of investigation. Consequently, the prayer for bail of the accused-petitioner under Section 439, CrPC stands rejected.

JUDGE

Comparing Assistant