

GAHC010260722023



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

Case No. : Bail Appln./4248/2023

SURAJ SHARMA @ ANIMESH
S/O SHRI DIPAK SHARMA
R/O PANDU CABIN
P.S. JALUKBARI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 15.12.2023

Heard Mr. M. Biswas, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State.

2. The petitioner, who was arrested on 17.10.2023 is seeking bail under section 439 Cr.P.C. in connection with Jalukbari P.S. Case No. 607/2023 under Section 326 IPC.

3. The learned APP has produced the case diary and has opposed the prayer for bail. He has also submitted that although the medical injury report was called for, but the same could not be procured and produced before the Court. Accordingly, he prays for some time to produce the medical injury report.

4. As per the FIR lodged on 16.10.2023, the informant has alleged that he and his friend have saw the petitioner carrying some iron and when he was asked from where he brought those irons, the accused assaulted the informant and tried to flee away and in the process stopping the accused from fleeing, the accused stabbed Anirudh Sharma in the neck, for which he became injured and unconscious and he was sent to GMCH for treatment.

5. The case diary contains incriminating materials against the petitioner of having assaulted Anirudh Sharma. It also appears that the weapon of assault was seized by the police and the petitioner was caught red handed by the public after commission of the offence.

6. Nonetheless, as the petitioner, having been arrested and produced on 17.10.2023 has been in custody for last 59 days, considering the length of detention, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Suraj Sharma @ Animesh in connection with the aforesaid case on furnishing bail bond of Rs.20,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metropolitan), Guwahati.

7. The bail is granted on the following conditions:

I. That the petitioner shall make himself available to the police or

any other investigating agency or Court in the present case as and when required.

II. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. That the petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. That the petitioner shall not misuse his liberty in any manner.

V. That the petitioner shall not jump over the bail.

VI. The petitioner shall appear before the I/O once in every month till charge sheet is filed and personal appearance is dispensed with, whichever is earlier.

8. On default of appearance of the petitioner, it would be open to the I/O to move the Court of competent jurisdiction for cancellation of bail.

9. This application stands allowed.

10. Case diary is returned.

JUDGE

Comparing Assistant