

GAHC010260742022



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

**Case No. : Bail Appln./3538/2022**

GOPAL VALMIKI @ GOPAL BALMIKI AND 2 ORS  
S/O MATRU LAL BALMIKI @ METRE BALMIKI,  
R/O AMSING, JORABAT  
P.S. SATGAON  
KAMRUP METROPOLITAN DISTRICT,  
ASSAM, PIN-781027

2: BIJAY SINGH @ BIJOY SINGH  
S/O PURAN SINGH  
R/O AMSING  
JORABAT  
P.S. SATGAON  
KAMRUP METROPOLITAN DISTRICT  
ASSAM  
PIN-781027

3: LILA SINGH @ LEELA SINGH @ MAYA  
D/O S/O MATRU LAL BALMIKI  
R/O AMSING  
JORABAT  
P.S. SATGAON  
KAMRUP METROPOLITAN DISTRICT  
ASSAM  
PIN-78102

VERSUS

THE STATE OF ASSAM  
REP.BY THE PP, ASSAM

**Advocate for the Petitioner : MR. R D BHUYAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**18.01.2023**

Heard Ms. M. Pathak, learned counsel for the accused-petitioners 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-petitioners viz. [1] Gopal Valmiki @ Gopal Balmiki, [2] Bijay Singh @ Bijoy Singh and [3] Lila Singh @ Leela Singh have prayed for their release on bail in connection with Satgaon Police Station Case no. 186/2022, registered for the offences under Sections 325/307/34, Indian Penal Code [IPC].

3. The accused-petitioners were arrested and produced before the Court of learned Chief Judicial Magistrate, Kamrup [M], Guwahati On 10.12.2022 and on being so produced, they were remanded to custody.

4. In the First Information Report [FIR], lodged on 09.12.2022, the informant has implicated the three accused-petitioners with the allegation that at around 07-00 p.m. on 08.12.2022, the three accused-petitioners assaulted her physically and attempted to kill her with an iron rod. Further allegation has been made to the effect that the three accused-petitioners had dragged the informant and also had intention to kill her husband but he escaped from the scene to save his life.

5. The materials in the case diary, collected during the investigation carried out so far, include statements of the witnesses recorded under Section 161, CrPC. As per the eye-witness account, on the alleged date of the incident, there was a confrontation between the informant's side and the petitioners' side and during the course of such confrontation, the accused-petitioners, more particularly, the accused-petitioner no. 1 had chased the informant

with an iron rod in his head. The injury report is not available in the case diary. But the materials in the case diary do not go to show that the informant has been hospitalized as an indoor patient at any point of time.

6. Having regard to the nature of materials available in the case diary and the period of detention of the accused-petitioners since 10.12.2022, this Court is of the considered view that further custodial detention of the accused-petitioners are not necessary for the purpose of carrying out further investigation of the case and their release on bail, at this stage of investigation, is unlikely to cause any adverse effect in the further investigation of the case, provided they continue to extend their assistance and co-operation in the further investigation of the case.

7. Accordingly, it is directed that the accused-petitioners shall be released on bail on furnishing a bail bond of Rs. 25,000/- each with one local surety each of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup [M], Guwahati subject to the conditions that :-

- [i] the accused-petitioners shall co-operate with the investigation and make themselves available for interrogation whenever required by the Investigating Officer [I.O.] of the case;
- [ii] the accused-petitioners 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 them from disclosing such facts to the court or to any police officer;
- [iii] the accused-petitioners 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-petitioners shall maintain law and order and they shall not commit an offence similar to the offence of which they are accused, or of the commission of which they are suspected; and
- [v] the accused-petitioners 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**