

GAHC010266962022



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

Case No. : AB/3781/2022

PABITRA BARDHAN
S/O LATE RIPENDRA BARDHAN
VILL- KALNGPAR, DUNGDANG, P.O. HOHORA, P.S. SONAPUR, DIST.
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19-01-2023

Heard Ms. A. Begum, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure,

1973 [CrPC], the petitioner viz. Pabitra Bardhan has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Sonapur Police Station Case no. 216/2022, registered for offences punishable under Sections 341/326/294, Indian Penal Code [IPC].

3. As per the First Information Report [FIR], three accused persons including the petitioner herein, had attacked and physically assaulted the informant and the informant's mother-in-law at around 10-00 p.m. on 11.11.2022. The informant has *inter alia* alleged that the accused persons by intruding into the house premises of the informant, were in the process of dragging her outside the premises and at that point of time, the petitioner herein gave a blow on her head by an iron rod.

4. The learned Additional Public Prosecutor has produced the case diary.

5. The informant-victim in her statement recorded under Section 161, CrPC has stated that she was assaulted by the petitioner by an iron rod whereas the other injured victim of the incident in her statement, recorded under Section 161, CrPC, has stated that the informant-victim was assaulted by a bamboo stick. The other witnesses also in their statements under Section 161, CrPC have corroborated the version regarding assault by a bamboo stick. The alleged incident had occurred on 11.11.2022 but there was delay of about 4 days in instituting the FIR on 15.11.2022 without indicating the cause for such delay in the FIR.

6. Having regard to the above materials in the case diary, I am of the considered view that custodial interrogation of the petitioner for the purpose of carrying out further investigation of the case is not necessary and his release on

pre-arrest bail, at this stage of investigation, is not unlikely to bring any adverse effect in the further investigation of the case, provided the petitioner extends his assistance and co-operation in the further investigation of the case.

7. Accordingly, it is provided that in the event of arrest of the petitioner in connection with Sonapur Police Station Case no. 216/2022, he 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 arresting authority, subject to the conditions that :

[i] the petitioner shall appear before the Investigating Officer [I.O.] of the case within 7 [seven] days from today and shall co-operate with the investigation and shall thereafter, make himself available for interrogation whenever required by the I.O. of the case;

[ii] the 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 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 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 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