

GAHC010271692023



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

Case No. : Bail Appln./4393/2023

DILIP TALUKDAR
S/O LATE LASHI KANTA TALUKDAR
R/O PAHARPARA
P.S. NAGARBERA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

Linked Case : AB/4102/2023

DIPAK TALUKDAR AND 4 ORS
S/O LATE SUCHEN TALUKDAR
R/O PAHARPARA
P.S.-NAGARBERA
DIST-KAMRUP
ASSAM

2: PRASANTA TALUKDAR
S/O LATE SUCHEN TALUKDAR

R/O PAHARPARA
P.S.-NAGARBERA
DIST-KAMRUP
ASSAM

3: GIREN TALUKDAR
S/O LATE JOTIN TALUKDAR
R/O PAHARPARA
P.S.-NAGARBERA
DIST-KAMRUP
ASSAM

4: HIRANYA TALUKDAR
S/O DILIP TALUKDAR
R/O PAHARPARA
P.S.-NAGARBERA
DIST-KAMRUP
ASSAM

5: MANDEEP TALUKDAR
S/O SUMEN TALUKDAR
R/O PAHARPARA
P.S.-NAGARBERA
DIST-KAMRUP
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A PARAMANIK
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.12.2023

This is a common order for these two bail applications.

Heard Mr. A. Paramanik, learned counsel for the petitioners and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

The petitioner, namely, Dilip Talukdar has filed one application under Section 439 of the Cr.P.C., praying for bail after he was arrested on 21.11.2023 in connection with Nagarbera P.S. Case No.132/2023 under Section 120(B)/302 of the Indian Penal Code.

The petitioners, namely, Dipak Talukdar, Prasanta Talukdar, Giren Talukdar, Hiranya Talukdar and Mandeep Talukdar, have filed an application under Section 438 of the Cr.P.C. praying for pre-arrest bail in respect of the same Nagarbera P.S. Case No.132/2023 under Section 120(B)/302 of the Indian Penal Code.

On 19.11.2023, Dipak Talukdar along with two other persons assaulted Khagen Das. That night Khagen Das went to his shop and later on the hanging body of Khagen Das was discovered in his shop. The wife of Khagen Das has lodged the FIR alleging foul play by the petitioners.

The case diary and the postmortem report reveals that Khagen Das died because of antemortem hanging. The case diary further reveals that the petitioner Dilip Talukdar was also injured in the incident of assault as alleged by the informant. Apart from that there are no incriminating materials against the present petitioner in the case diary.

Therefore, the bail application of the petitioner, namely, Dilip Talukdar is allowed. It is hereby directed that the petitioner Dilip Talukdar shall be released on bail on furnishing a bond of ₹ 25,000/- with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Boko.

So far as the anticipatory bail application is concerned, this Court is of the opinion that the petitioners do not deserve to be detained in custody. Therefore, it is hereby directed that in the event of arrest of the petitioners, namely, Dipak Talukdar, Prasanta Talukdar, Giren Talukdar, Hiranya Talukdar and Mandeep Talukdar, in connection with Nagarbera P.S. Case No.132/2023 under Section 120(B)/302 of the Indian Penal Code, they shall be released on pre-arrest bail on their furnishing a bond of ₹ 25,000/- each,

with one surety of like amount to the satisfaction of the arresting authority. All the petitioners are directed appear before the Investigating Officer within 7(seven) days from today and they shall also cooperate with the Police Investigating Officer as and when required.

With the aforesaid direction, both the bail applications stand disposed of.

Sd/- *Parthivjyoti Saikia*
JUDGE

Comparing Assistant