

GAHC010285862023



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

Case No. : Bail Appln./4556/2023

SOCRESWAR BORA @ CHAKRESHWAR BORA
S/O LATE GANESH BORA
R/O PILKHANA ODUMONI
P.O. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 15.12.2023

Heard Mr. P.J. Saikia, learned senior counsel, assisted by Mr. P. Bordoloi, learned counsel for the petitioner and Mr. R.R. Kaushik, learned APP for the State.

This matter has been moved as an unlisted matter.

The petitioner, who was arrested on 11.10.2023 is seeking regular bail under section 439 Cr.P.C. in connection with Laluk P.S. Case No. 230/2023 under sections 409/420 IPC.

The learned APP has opposed the prayer for bail on the ground that the petitioner being a Headmaster of the school has allegedly collected money from the students for distribution of 148 free cycles, which was being distributed under the government scheme.

In this connection, the learned senior counsel for the petitioner has submitted that from the documents annexed to this application, it would appear that the students have owned up collecting money as it was not possible for other than to go to Bihpuria from Dharmapur in the Lakhimpur district to bring the cycles.

The Court finds force in the submissions made by the learned APP that on the same set of allegation in which the FIR was lodged, the petitioner has also been suspended as the Headmaster of the concerned school.

Be that as it may, as the petitioner is already suspended, and the quantum of alleged illegal collection, if any can also be quantified, the Court is of the considered opinion that notwithstanding that there are materials disclosed in the FIR against the petitioner, further custodial interrogation of the petitioner may not be necessary. Considered the fact that the petitioner was working as Headmaster of the school and he is not a flight risk, the Court is inclined to grant bail to the petitioner, namely, Shri Socreswar Bora @ Chakreshwar Bora 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, North Lakhimpur.

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. 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.
3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 7 (seven) days from today and he shall continue to appear once a month thereafter till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

This application stands disposed of.

JUDGE

Comparing Assistant