

GAHC010000072024



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

Case No. : Bail Appln./15/2024

S. ABHIJIT SINGHA AND ANR
S/O S. RANJENDRA SINGHA
R/O KONJENGLEIKAI,
P.S. LAKHIPUR
DIST. CACHAR, ASSAM

2: H. RAJIB SINGHA
S/O H. HEMANTA SINGHA
R/O KONJENGLEIKAI

P.S. LAKHIPUR
DIST. CACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D K BAIDYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

02.02.2024

Heard Mr. D.K. Baidya, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting of regular bail to the accused / petitioners, namely, (i) S. Abhijit Singha and (ii) H. Rajib Singha who were arrested on 09.11.2023 in connection with Lakhipur P.S. Case No. 304/2023 registered under Sections 143/341/325/302/34 of the IPC.

The brief case of the prosecution is that the accused / petitioners blocked the informant's cousin, i.e., Krishnananda Singha who was coming in a Wagoner vehicle and assaulted him and his friend namely, Boktar Hussain Borbhuiya.

Mr. D.K. Baidya, learned counsel for the petitioners submits that the informant's cousin and his friend along with the accused / petitioners were together at a bar where they were consuming liquor and then an altercation took place between them. Thereafter the informant's cousin and friend escaped from the bar. Later on, the other three co-accused persons followed them in a Scooty and stopped them and assaulted them. He further submits that the two petitioners / accused did not go against the deceased and his friend.

Mr. P. Borthakur, learned Addl. Public Prosecutor, Assam on the other hand strongly opposes the prayer of the bail. He submits on the basis of the materials available on the Case Diary that the investigation is progressing substantially and statements of the witnesses have already been recorded under Section 161 of the Cr.P.C. The injured statement has also been recorded. He further submits that the Test Identification Parade has also been conducted.

I have heard the submissions made at the bar and have perused the materials available on records. It appears that the investigation has substantially progressed and the statements of the witnesses including the injured has been already recorded.

It further appears from the note of the Investigating Officer that the Call Detail Record have been analysed and it has come to light that the contact numbers of the arrested accused /petitioners (S. Abhijit Singha and H. Rajib Singha) were found

existing in the first place of occurrence area where a quarrel took place but their contact numbers were found not existing at the second place of occurrence area where the deceased and his friend were assaulted.

In view of the aforesaid CDR report and considering that the petitioners are languishing in jail since last 86 days, this Court is of the opinion that further detention perhaps is not required.

For the aforesaid reasons, the petitioners namely, (i) S. Abhijit Singha and (ii) H. Rajib Singha are allowed to go on bail of Rs. 30000/- (Rupees Thirty Thousand) each with one surety of like amount to the satisfaction of the learned SDJM, Lakhipur Cachar subject to following conditions.

(i) That the petitioners shall cooperate with the investigation.

(ii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer.

With the above observation, this bail application is disposed of.

Return the case Diary.

JUDGE

Comparing Assistant