

GAHC010002502024



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

Case No. : Bail Appln./39/2024

BIMAL SAIKIA
S/O SRI JITEN SAIKIA
R/O H/NO. E-26, ASSAM STATE HOUSING BOARD, GHORAMAA
P.S. BASISTHA
DIST. KAMRUP (M) ASSAM
PERMANENT RESIDENT OF - DATAL PARA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06.02.2024

Heard Mr. D. Medhi, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner Sri

Bimal Saikia, praying for regular bail, who was arrested on 13.12.2023 in connection with Basistha P.S. Case No. 780/2023 under Sections 325/307 IPC.

Case diary as called for is received and perused.

It is submitted by the learned counsel for the petitioner that the entire incident is an accidental one and there is no fault on the part of the petitioner.

There is a quarrel and scuffle between the rickshaw pullers when the victim sustained minor injury. It is further submitted that the other rickshaw pullers were present in the place of occurrence. He further submitted that the petitioner is behind the bar since 13.12.2023 and thus, the I.O. got sufficient opportunity to interrogate the accused keeping him in custody.

In this Context, the learned Additional Public Prosecutor has submitted that there are incriminating materials against the petitioner. However, considering the period of detention of the petitioner, prayer for bail may be considered.

In view of the above submissions and considering the period of detention, prayer for bail is allowed. It is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper

with the evidence of the case; and

- (c) 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 the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant