

GAHC010004282024



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

Case No. : Bail Appln./79/2024

TAPASH CHOUDHURY
S/O LATE JYOTISH CHOUDHURY R/O BIDYAMANDIR PATH, JAGARAN
PATH BYE LANE, HOUSE NO. 15, P.S. BASISTHA, P.O. BASISTHA,
GUWAHATI-29, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. N ALAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.02.2024

Heard Ms. B. Jain, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioner, who has been arrested in connection with Fatasil Ambari P.S. Case No. 275/2023, under Sections 468/471/472 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by Ms. Jain, learned counsel for the petitioner, that the case is registered under Sections 468/471/472 of the Indian Penal Code, wherein the statutory period under Section 468 IPC is only 60 days and Sections 471/472 IPC is the bailable offence. The accused is behind the bar for last 86 days and hence, considering the length of detention, he may be released on bail.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that there are sufficient materials against the present accused/petitioner in the Case Diary. However, considering the length of detention already undergone by the accused, his bail prayer may be considered.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, i.e. 86 days, without going into the merit of the case, I am of the view that the I.O. has got sufficient time to interrogate the accused/petitioner keeping him in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Shri Tapash Choudhury, be enlarged on bail, subject to the following conditions:

- (i) that 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 the Court or to any police officer; and
- (ii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant