

GAHC010004692024



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

Case No. : Bail Appln./108/2024

HIROKJYOTI KALITA @ HIRAK JYOTI KALITA
S/O HANGSHADHAR KALITA,
R/O VILL- BARGAON
GERUAH, P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 19-01-2024

Heard Mr. A. Choudhury, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Hirokjyoti Kalita @ Hirak Jyoti Kalita, who has been languishing in jail hajot since 03.01.2024, in connection with Hajo P.S. Case No. 01/2024, under Sections 120(B)/121/121(A)/307 IPC read with Section 10/13 of UA(P) Act, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Dipak Deka of Hajo P.S on 02.01.2024.

The essence of allegation, made in the FIR, dated 02.01.2024, is that he has made some comment in the Facebook post of Paresh Baruah, Commander-in-Chief of ULFA, by stating that "*Parile karabat duta boma futai diyak*".

Learned counsel for the accused submitted that the accused was arrested on 03.01.2024, and since then he has been languishing in jail hajot. Further, Mr. Choudhury learned counsel for the accused submits that it is a fact that the accused has made comment on the Face book post to Paresh Baruah but, after perusing the said comment, it cannot be said that any offence u/s 10/13 of UA(P) Act or Section 120(B)/ 121/121(A)/307 IPC are made out and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P. submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. Barua, learned Addl. P.P. Contended to dismiss the petition.

Having heard the submission of learned Advocates of both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

In view of the materials collected in the case diary and also in view of the nature of accusation and the punishment prescribed for the same, and balancing the same with the period of detention, this Court is of the considered view that further custodial detention of the accused may not be required in the interest of investigation. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Judicial Magistrate, Ist Class, Hajo, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant