

GAHC010007172024



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

Case No. : Bail Appln./109/2024

NITUL DEKA
S/O SHRI DILIP KUMAR DEKA
R/O FATASIL AMBARI,
HOUSE NO. 88, P.S. FATASIL AMBARI
GUWAHATI- 781025, IN THE DISTRICT OF KAMRUP (METRO), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.01.2024

- 1)** Heard Mr. P. K. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.
- 2)** This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Nitul Deka who has been detained behind the bars since 17.10.2023 (for last 88 days) in connection with Fatasil Ambari P. S. Case No. 245/2023 under Sections 436/427/506/34 of the Indian Penal Code and corresponding PRC No. 2525/2023 has also been registered which is pending before the learned Judicial Magistrate First Class, Kamrup (M).

3) The learned counsel for the petitioner has submitted that since the chargesheet has already been laid in this case, there is no necessity of custodial detention of the present petitioner as he is ready to cooperate in the trial.

4) It is also submitted that the petitioner has been detained behind the bars for last 88 days and therefore, the prayer is made for allowing him to go on bail as chargesheet has already been laid in this case.

5) Though learned Additional Public Prosecutor has objected the grant of bail to the present petitioner on the ground that there are incriminating materials, considering the fact that the petitioner is behind the bars for last 88 days and chargesheet has already been laid, requirement of his custodial detention does not appear to be necessary if he otherwise cooperates in his trial.

6) In view of the above, the petitioner, namely, NitulDeka is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Judicial Magistrate First Class, Kamrup (M) in PRC No. 2525/2023 with the following conditions:

i. That the petitioner shall regularly appear before the Investigating Officer and cooperate in the investigation.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the

facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer or any Court.

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

JUDGE

Comparing Assistant