

GAHC010007342024



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

Case No. : Bail Appln./139/2024

AJIT SUTRADHAR
S/O LATE MANMOHAN SUTRADHAR
A RESIDENT OF GOBINDA PALLY
WARD NO. 6, P.O. AND P.S. HOJAI
DIST. HOJAI, ASSAM

VERSUS

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

Advocate for the Petitioner : MR B CHANDA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

12.01.2024

Heard Mr. B. Chanda, learned counsel for the petitioner.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sri Ajit Sutradhar, who has been detained behind the bars since 10.09.2023 (for last 124 days) in connection with

Hojai P.S. Case No. 377/2023, corresponding to PRC Case No. 1256/2023.

Learned counsel for the petitioner has submitted that in the instant case, the charge-sheet has been laid against nine accused persons, including the present petitioner, under Section 143/302 of the Indian Penal Code.

It is further submitted that the accused, namely, Subhash Sutradhar and other seven family members, are on bail.

The prayer for bail of the present petitioner was rejected by learned Committal Court, by order dated 21.12.2023, as the case is exclusively triable by the Court of Sessions and one of the sections under which charge-sheet has been laid is also Section 302 of the Indian Penal Code.

I have heard learned Additional Public Prosecutor.

Mr. K.K.Das, learned Additional Public Prosecutor has opposed the grant of bail to the present petitioner on the ground that there are incriminating materials in the case diary against the present petitioner.

Since eight co-accused persons have already been granted bail in this case and the present petitioner has been detained behind the bars for last 124 days and investigation has already been completed and charge-sheet has been laid, his further custodial detention may not be necessary, if he otherwise co-operates in the trial.

In view of the above, the above named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Hojai, Sankardev Nagar.

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

JUDGE

Comparing Assistant