

GAHC010008542024



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

Case No. : AB/146/2024

KHOGIRAM DAS
S/OLATE BHATIRAM DAS
R/O DIGHOLIPAR GAON
P.O. OUGURI
P.S. BHOGAMUKH
DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

24.01.2024

Heard Ms. P. Borah, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. P.P, Assam.

This is an application under Section 438 of the Code of the Criminal Procedure, 1973 seeking grant of pre-arrest bail to the petitioner, namely Sh. Khogiram Das in connection with Bhogamukh P.S. Case No. 13/2023 under Section 341/326/307/354 IPC.

The case of the prosecution is that on 17.11.2023 at about 5:30 A.M, the accused/petitioner assaulted the mother of the informant at her head when she went to catch fish at the fishing net at Digholi Beel near the house of the informant. Accordingly, a case has been registered. Apprehending arrest, the instant anticipatory bail application has been filed.

Ms. P. Borah, learned counsel for the petitioner submits that the petitioner is no-way involved with the offence alleged and that the petitioner is a victim of circumstances.

Mr. K.K. Das, learned Addl. P.P fairly submits on the basis of the Case Diary, especially the injury report that the injury sustained by the mother of the informant is simple in nature.

I have heard the submissions made at the bar and have perused the materials available on record and the Case Diary placed before this Court.

Considering the nature of the injury and materials placed before this Court, it is provided that in the event or arrest, the petitioner named above shall be released on interim pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 15,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) That the petitioner shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the interim pre-arrest bail order shall have no force;
- (ii) 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
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the aforesaid observation, the application stands disposed of.

JUDGE

Comparing Assistant