

GAHC010010302024



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

Case No. : Bail Appln./182/2024

HEMEN DAS
S/O DIPEN DAS
R/O ADIMGIRI PAHAR
P.S. JALUKBARI
DSIT. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.02.2024

Heard Mr. SM Mollah, learned counsel for the petitioner and Mr. KK Parasar, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely, Sri Hemen Das, praying for regular bail, who was arrested on

08.01.2024 in connection with Jalukbari P.S. Case No. 13/2024, registered under Sections 341/ 323/ 427/ 379/ 392 IPC.

Case diary as called for, is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the accused/petitioner is behind the bar since 08.01.2024 and considering the length of detention undergone by the petitioner, his bail prayer may be considered. However, he has submitted that the accused has not committed any offence as alleged in the FIR. The fact of the case is that the petitioner was standing near the tea shop and suddenly the informant came on his vehicle in high speed and stopped near the petitioner and the petitioner somehow managed to save him from the accident and as such there was an altercation and scuffle took place between the petitioner and the informant but no such incident has happened as alleged in the FIR.

In this Context, the learned Additional Public Prosecutor has submitted that the I.O. has collected materials against the petitioner. However, considering the length of detention undergone by the petitioner, prayer for bail may be considered.

After hearing the submissions of the learned counsel for the parties and considering the materials available in the case diary as well as considering the period of detention already undergone by the accused/petitioner, prayer for bail is allowed. It is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 10,000/- (Rupees ten thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

The direction for bail is, however, subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (c) 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.

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

Return the case diary.

JUDGE

Comparing Assistant