

GAHC010017452024



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

Case No. : Bail Appln./284/2024

MANI KUMAR KAMAN
S/O LATE BAGEN KAMAN
R/O VILLAGE NO.1 CHIRAKHOWA, P.S. GOHPUR, DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE SPECIAL PUBLIC PROSECUTOR, FOREST DEPARTMENT,
ASSAM

Advocate for the Petitioner : MR J PAYENG

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

22.02.2024

Heard Mr. J. Payeng, learned counsel for the petitioner. Also heard Mr. D. Gogoi, learned standing counsel, Forest.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Mani Kumar Kaman**, in connection with **CR(Forest)/08/2017**.

It is submitted by the learned counsel for the petitioner that the accused was arrested on 04.01.2024 and since then he has been languishing in jail. He

further submits that no summons was issued to the petitioner after submission of offence report and he has no knowledge regarding institution of the present proceeding.

It is further submitted that in the offence report, the father's name of the petitioner has not been mentioned and the village name is also wrongly entered. Learned counsel for the petitioner has further pointed out that from the order of the trial court dated 30.07.2019, it reveals that on the request of the IO the father's name of the present petitioner and other accused were inserted in the case. It is further submitted that in the order of the trial court dated 01.03.2021, as the summons issued to the present petitioner has not been returned, the trial court issued fresh summons to the petitioner.

On the other hand, Mr. D. Gogoi, learned standing counsel, Forest has objected for allowing bail to the petitioner by stating that the petitioner was absconding for long time and there is every possibility of jumping bail.

I have considered the submissions made by the parties. I have also perused the scanned copy of LCR which reveals that the father's name of the petitioner was not reflected in the offence report so it is difficult to serve notice upon the petitioner. As per voter ID card of the petitioner, it appears that the petitioner belongs to Village No.1, Chirakhowa under Gohpur P.S. whereas in the offence report it shows that the petitioner belongs to Village Pakan Kukurakata under Gohpur PS. It transpires that though summons were issued to the petitioner but father's name and the village of the petitioner was not entered properly.

In view of all, this Court is of the view that as the case is in the trial stage, further custodial interrogation of the accused-petitioner is not necessary.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** with two sureties of like

amount to the satisfaction of learned **Sub-Divisional Judicial Magistrate (M), Bokakhat** subject to the following conditions-

- i) That the accused petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of;
- ii) That the accused 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 Police Officer or the Court; and
- iii) The petitioner shall not leave the territorial jurisdiction of the trial court without prior written permission from him/ her till disposal of the proceeding.

The bail application is disposed of.

JUDGE

Comparing Assistant