

GAHC010019262024



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

Case No. : Bail Appln./274/2024

NILOTPAL CHANGMAI
S/O MAHENDRA NATH CHANGMAI
R/O N. NO. 43, SATGAON LUIT NAGAR,
P.S. SATGAON
DIST. KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.02.2024

Heard Mr. A. M. Borah, learned senior counsel assisted by Mr. D.K. Baidya, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam for the State respondent.

This application under Section 439 of the Cr.P.C. has been filed for granting bail to the petitioner, namely, Niulotpal Changmai who was arrested on 12.01.2024 in Connection with Satgaon P.S. Case No. 12/2024 registered under Sections 294/323/354/354D/506/307 of the IPC.

The C.D. has been received.

I have perused the same.

It is submitted by the learned senior counsel Mr. Borah that false and concocted allegations has been lodged against the present petitioner which can not be believed. It is further submitted that the petitioner is next door neighbour of the informant and his father was a cancer patient. The present informant is happen to be the neighbour of the accused petitioner and the informant's family has been carrying out construction work in their premises and have been throwing construction debris and garbage into the petitioner's premises for a prolonged period of time and when the petitioner confronted them, the informant in a mala fide pre-planned manner lodged the FIR with false and fabricated allegations. It is also submitted that the petitioner is behind the bars since his date of arrest and he is ready and willing to cooperate with the Investigating Officer in connection with the case as and when called for.

In this context Mr. Das, the learned Addl. P.P. has submitted that from the C.D. it is seen that except the allegations of abusing with some slang words the other allegations were not supported by the witnesses.

Considering the materials in the C.D. and the nature of the offence alleged against the petitioner, I find that further custodial interrogation is not necessary. Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) the petitioner, named above, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
2. 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
3. that the petitioner shall make himself available for interrogation by the I.O. as and when required;

Return the Case diary.

The bail application is disposed of.

JUDGE

Comparing Assistant