

GAHC010019892024



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

Case No. : Bail Appln./365/2024

KUSHAL THAKURIA @ PRITOM
BY FAITH AND RELIGION - HINDU,
R/O FATASHIL AMBARI
KALI MANDIR, JUNAKI PATH, P.S. FATASHIL AMBARI,
IN THE DISTRICT OF KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. V N UPADHYAY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

08.02.2024

Heard Ms. S. Das, learned counsel appearing on behalf of the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Fatasil Ambari P.S. Case No. 329/2023, under Section 392/34 of the Indian Penal Code.

It is submitted by Ms. Das, learned counsel for the petitioner, that the petitioner is innocent and he is no way involved with the alleged offence. More so, he is in custody for last 43 days and was arrested in connection with this case on 28.12.2023. So, considering his length of detention, he may be enlarged on bail.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that considering the statement made in the F.I.R. as well as the length of detention, the prayer of the present accused/petitioner may be considered.

Considering the submissions of learned counsels for both sides and also considering the statement made in the F.I.R. and further considering the length of detention already undergone by the accused/petitioner, i.e. 43 days, I am of the view that the I.O. has got sufficient time to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Shri Kushal Thakuria @ Pritom, be enlarged on bail, subject to the following conditions:

- (i) 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
- (ii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant