

GAHC010024762024



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

Case No. : Bail Appln./352/2024

DEBU GUHA
S/O SUNIL GUHA @ GONESH GUHA
R/OVILL- NAGARPARA
P.S. LUMDING,
DIST.HOJAI, ASSAM
PIN-782447

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP ASSAM

2:LILIMA JESWARA
W/O RAJU JESWARA
R/O NO. 1 SADHU KUTI NEAR ETA BHATA
P.S. LUMDING

DIST. HOJAI
ASSA

Advocate for the Petitioner : MR. N DUBEY

Advocate for the Respondent : PP, ASSAM

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

07.02.2024

Heard Mr. N. Dubey, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/petitioner, namely, Debu Guha, who has been languishing in jail since 18.12.2023 in connection with Lamding P.S. Case No. 215/2023 under Sections 120B/376/417 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Dubey, that the case has already been charge-sheeted and the accused/petitioner is behind the bar since 55 days. It is contended by the present petitioner that he was in love relationship with the victim and both had planned to spend time in Guwahati accompanied by one co-accused and his girlfriend, but, when the victim's husband got the information of their spending time in Guwahati at hotel, he lodged the FIR against the present petitioner and other co-accused person with some false and concocted allegation. More so, the accused is behind the bar since 18.12.2023 and thus, he has been in custody for last 55 days and moreover, the case has already been charge-sheeted, and thus, the question of hampering and tampering of the witnesses also does not arise. He also submits that the petitioner is the permanent resident of Assam and he is ready to appear before the Court on each and every date fixed. Accordingly, it is submitted that the further custodial detention of the present accused/petitioner is not necessary and accordingly, prayed to enlarge the accused/petitioner on bail.

On the other hand, Mr. Borthakur, learned Public Prosecutor, submits that the case has already been charge-sheeted, however, at present the case is at the stage of committal and also trial has not yet commenced. Thus, he raised objection on the prayer made by the learned counsel for the petitioner.

Considering the submissions of learned counsel for both sides as well as considering the fact that case has already been charge-sheeted and further considering the length of detention already undergone by the accused/petitioner, i.e. 55 days, this Court is of the opinion that further custodial detention 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, Sankardev Nagar, Hojai, the accused/petitioner, namely, Debu Guha, 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, Sankardev Nagar, Hojai, without prior permission.

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

JUDGE

Comparing Assistant