

GAHC010025582024



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

Case No. : Bail Appln./401/2024

KRISHNA KANTA BORUAH
S/O SRI BIPIN BORUAH
R/O VILL- LAKHIMIGAON
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

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

13.02.2024

Heard Mr. J. C. Gogoi, learned counsel for the petitioner. Also heard Ms. B. Bhuyan, learned Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/petitioner, namely, Sri Krishna Kanta Boruah, who has been languishing in jail since 24.01.2024 in connection with North Lakhimpur P.S. Case No. 16/2024, registered under Sections 447/376/511 of the Indian Penal Code (corresponding to G.R. Case No.48/2024).

It is submitted by the learned counsel for the petitioner, Mr. Gogoi that the accused/petitioner is the brother-in-law of the informant. He also submits that the petitioner visited the house of the informant to settle the land dispute, but, the said informant lodged the FIR against the petitioner with some false and concocted allegation. Further it is submitted by the learned counsel for the petitioner that the accused/petitioner is behind the bar since 24.01.2024 and thus, the I.O. got sufficient time for his custodial interrogation and hence, considering his length of detention, he may be enlarged on bail.

On the other hand, Ms. Bhuyan, learned Public Prosecutor, submits that, the forwarding report reveals that the allegation of rape has been brought against the present petitioner and even, the garment of the victim has been seized by the police. Accordingly, she raised objection on the prayer made by the learned counsel for the petitioner and request to call for the case diary at this stage.

Considering the submissions of learned counsel for both sides as well as considering the length of detention already undergone by the accused/petitioner, i.e. 20 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, Lakhimpur, the accused/petitioner, namely, **Sri Krishna Kanta Boruah**, 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, Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant