

GAHC010027152024



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

Case No. : Bail Appln./390/2024

SADANANDA TAID AND ANR.
S/O NAREN TAID
R/O VILL- NAMONI TAZIK
P.O. AND P.S. GOGAMUKH
DIST. DHEMAJI, ASSAM

2: SMTI. PURNIMA TAID
W/O SRI SADANANDA TAID
R/O VILL- NAMONI TAZIK
P.O. AND P.S. GOGAMUKH
DIST. DHEMAJI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 12.02.2024

Heard Mr. P. Hazarika, learned counsel for the petitioners. 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/petitioners, who have been arrested in connection with Gogamukh P.S. Case No. 90/2023, under Section 302 of the Indian Penal Code.

It is submitted by Mr. Hazarika, learned counsel for the petitioners, that from the F.I.R. of this case has been lodged after 1 (one) year of the incident and the present accused/ petitioners, who are husband and wife, are being arrested in connection with this case on 13.12.2023 and they are behind the bar for last 61 days. Further it is submitted that both the petitioners, i.e. husband and wife, have 2 (two) minor children, who are in the custody of some other persons. Further, the I.O. has got sufficient time for custodial interrogation of the accused/ petitioners and hence, considering their length of detention, they may be released on bail. They will appear before the I.O. as and when their presence is required.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that the F.I.R. was lodged only after the report of the FSL and from the forwarding report, it reveals that both the accused/petitioners were arrested

finding sufficient materials against them. However, it is submitted that considering their length of detention, their bail prayer may be considered.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioners, i.e. 61 days, and further considering the fact that the FSL report has already been received, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners keeping them in the custody and accordingly, further custodial interrogation of the accused/petitioners 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 each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhemaji, the accused/petitioners, namely, (i) Shri Sadananda Taid & (ii) Smti Purnima Taid, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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

- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Dhemaji, without prior permission.

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

JUDGE

Comparing Assistant