

GAHC010029682024



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

Case No. : I.A.(Crl.)/144/2024

GOLOK ROY @ SOILEN @ KOLOK
S/O BADAN ROY
R/O VILL- KALYANPUR
P.S. AGIA
DIST. GOALPARA, ASSAM,
PIN CODE-783120

VERSUS

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

2:GOLOK ROY @ SOILEN @ KOLOK
S/O BADAN ROY R/O VILL. KALYANPUR
P.S. AGIA
DIST. GOALPARA
ASSAM
PIN 783120

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 21.02.2024

Heard Mr. R. C. Das, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This interlocutory application has been filed praying for enlarging the accused/applicant on bail, who was arrested on 13.12.2023 in connection with Dispur P.S. Case No. 2284/2023, under Section 366 of the Indian Penal Code.

It is submitted by Mr. Das, learned counsel for the applicant, that earlier bail application, being Bail Appln. No. 19/2024, was move before this Court, wherein the learned Additional Public Prosecutor has submitted that the Charge-Sheet has already been submitted vide C.S. No. 13/2024, dated 11.01.2024, and accordingly, the said bail application was disposed of with a direction to the petitioner to approach the learned Trial Court. However, on enquiry made by him before the learned Trial Court, it is found that no Charge-Sheet has been laid before the learned Chief Judicial Magistrate, Kamrup (M), Guwahati till the date of filing of this present application. Further it is submitted that the accused/applicant is behind the bar for last 70 days and accordingly it is prayed to enlarge the accused on bail considering his length of detention.

In this context, Mr. Borthakur, learned Additional Public Prosecutor has submitted that on earlier occasion, the information was received from the I.O. regarding the submission of Charge-Sheet. However, due to some technical and

official irregularities, the Charge-Sheet was not received by the Office of the learned Court below, though it was submitted by the I.O. Accordingly, he submitted that considering the length of detention already undergone by the accused/petitioner, the accused/applicant may be enlarged on bail.

Considering the submissions made by the learned counsels for both sides and without going into the merit of the case and other aspects of the matter, only considering the length of detention already undergone by the accused/applicant, i.e. 70 days, I am of the opinion that the accused/applicant can be enlarged on bail.

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, Golok Roy @ Soilen @ Kolok, 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 interlocutory application stands disposed of.

JUDGE

Comparing Assistant