

GAHC010032472024



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

Case No. : I.A.(CrI.)/149/2024

AMITA PHUKAN AND ANR
S/O SRI HEMA PHUKAN,
R/O NILAKH CHAPORI GAON,
P.S. SILAPATHAR,
DIST. DHEMAJI, ASSAM.

2: MADHAB PHUKAN
S/O SRI HEMA PHUKAN
R/O NILAKH CHAPORI GAON
P.S. SILAPATHAR
DIST. DHEMAJI
ASSA

VERSUS

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

2:BUDHIN BORUAH
S/O SRI KAMAL BARUAH
R/O NILAKH CHAPORI
P.S. SILAPATHAR
DIST. DHEMAJ

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

16.02.2024

Heard Mr. A Ahmed, learned counsel for the applicants as well as Mr. D. Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 397(1) of the CrPC praying for bail by the petitioners, namely, (1) Sri Amita Phukan and (2) Sri Madhab Phukan, who have been in jail hazot in connection with the order dated 09.11.2023 passed by the learned Sessions Judge, Dhemaji in Criminal Appeal No. 41/2018 and the judgment and order dated 15.09.2018 passed by the learned Chief Judicial Magistrate, Dhemaji in GR Case No. 490/2016 (SLP).

The petitioners were convicted under section 324 of the IPC read with Section 34 of the said Code by the learned Chief Judicial Magistrate, Dhemaji in GR Case No. 490/2016 (SLP) and thereafter they were sentenced to imprisonment of certain terms.

The petitioners have filed an appeal before the court of Sessions.

After going through the materials available in the record, this court is of the opinion that the petitioners deserve to be released on bail at this stage. Therefore, the petitioners Sri Amita Phukan and Sri Madhab Phukan, who have been in jail hazot in connection with the order dated 09.11.2023 passed by the learned Sessions Judge, Dhemaji in Criminal Appeal No. 41/2018 and the judgment and order dated 15.09.2018 passed by the learned Chief Judicial Magistrate, Dhemaji in GR Case No. 490/2016 (SLP) be allowed to release on bail of Rs.25,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhemaji.

The IA(Crl.) is disposed of.

JUDGE

Comparing Assistant