

GAHC010035102024



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

Case No. : Bail Appln./497/2024

SAMIRAN SAIKIA AND ANR.
S/O LATE JATIN SAIKIA
VILLAGE- BAPAKHAT, P.O.- PHUKANARHAT, P.S.- PANIGAON, DISTRICT-
LAKHIMPUR, ASSAM

2: RANJAN KR. GIRI
S/O SHRI BAIJNATH GIRI
VILLAGE- PANIGAON CHARIALI
P.O.- PHUKANARHAT
P.S.- PANIGAON
DISTRICT- LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 01.03.2024

Heard Mr. P. Bordoloi, learned counsel for the petitioners. Also heard Mr. P. Borthakur, 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 Gohpur P.S. Case No. 17/2024, under Sections 341/364(A)/3 94/34 of the Indian Penal Code (corresponding to GR Case No. 28/2024).

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Bordoloi, learned counsel for the petitioners, that prior to filing of the present F.I.R., one Bhagirath Choudhary lodged an F.I.R. on

09.02.2024 against the complainant with the allegation of possession of some fake gold etc., and after filing of the said F.I.R., the complainant of this case lodged the present F.I.R. against the present accused/petitioners on 11.02.2024. However, the complainant as well as both the accused/ petitioners were arrested on same day, i.e. on 12.02.2024, and since then, the accused/petitioners are in custody. However, he submitted that the complainant has some other criminal records and only to harass the present accused/petitioners, he lodged the F.I.R. with some false and concocted allegations. More so, from the plain reading of the F.I.R., it is seen that there is no ingredients to attract Section 364(A) of the Indian Penal Code against the present accused/petitioners. In this context, he also relied on a decision of Hon'ble Apex Court reported in **2023 LiveLaw (SC) 167 (Ravi Dhingra Vs. the State of Haryana)**. Further he submitted that both the accused/petitioners are the local persons and they will appear before the I.O. if their further co-operation is required. They are behind the bar since 12.02.2024 and thus, the I.O. got ample opportunity to interrogate the accused/petitioners keeping them in custody.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary, it is seen that the car, which was seized in connection with this case, was in possession of the accused/ petitioner- Samiran Saikia at the relevant time of incident which is also admitted by the other witnesses as well as the owner of the Swift Car. He further submitted that there are some incriminating materials available in the Case Diary, however it is seen that no criminal antecedents are there against the present accused/petitioners. So, considering the length of detention already

undergone by the accused/petitioners, their bail prayer may be considered.

Considering the submissions made by the learned counsel for both sides and also considering the materials available in the Case Diary, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners keeping them in custody and accordingly, I find that 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 SDJM (M), Gohpur, the accused/petitioners, namely, (i) Shri Samiran Saikia & (ii) Shri Ranjan Kr. Giri, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall fully co-operate with the investigation of the case and 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

SDJM (M), Gohpur, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant