

GAHC010037642024



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

Case No. : Bail Appln./534/2024

KUNDAN GOALA
S/O JOHORLAL GOALA
R/O KATHAL BAGAN, 6TH APBN
P.S. SILCHAR,
DIST.CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

27.02.2024

Heard Mr. JUNM Laskar, learned counsel for the petitioner. Also heard Mr. B. Bhuyan, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 30.01.2024 in connection with Silchar P. S. Case No.102/2024 registered under Section 394 of the Indian Penal Code.

It is submitted by Mr. Laskar, learned counsel for the petitioner that the accused/petitioner is innocent and no way involved in the alleged offence. It is contended by the petitioner that on the day of the incident, the informant and his friends consumed alcohol and they started to urinate in front of his main gate of the residence and when the petitioner raised objection, then, the altercation took place and the informant himself assaulted the petitioner and apart from that no incident took place as alleged in the FIR. Thereafter, when the police was searching for the petitioner, he himself surrendered before I. O. on 30.01.2024 and since, then he is behind the bar. Hence, considering his length of detention, he may be enlarged on bail as well as he is still ready and willing to co-operate with the I. O. in further investigating of the case, if the same is granted.

In this context, Ms. Bhuyan, learned Additional Public Prosecutor has submitted that, from the FIR statement, it is seen that the allegation of snatching a gold chain and assaulting the informant has been brought against the accused/petitioner. However, considering the length of detention already undergone by the accused/petitioner, she raised no objection in the prayer made by the learned counsel for the petitioner.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in the custody and accordingly, further custodial interrogation 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, Cachar, Silchar, the accused/petitioner, namely Kundan Goala, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) 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
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Cachar, Silchar, without prior permission.

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

JUDGE

Comparing Assistant