

GAHC010037712024



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

Case No. : AB/440/2024

KRISHNA DAGA
S/O LATE BINOD DAGA,
RESIDENT OF TANGLA TOWN, WARD NO 2, PS TANGLA, DIST UDALGURI,
BTR, ASSAM

2: JYOTI DAGA
D/O LATE BINOD DAGA

RESIDENT OF TANGLA TOWN
WARD NO 2
PS TANGLA
DIST UDALGURI
BTR
ASSAM

3: TARA DEVI DAGA
W/O LATE BINOD DAGA

RESIDENT OF TANGLA TOWN
WARD NO 2
PS TANGLA
DIST UDALGURI
BTR
ASSAM

4: SRI DEEPAK KUMAR HIRAWAT
S/O SRI FATEH CHAND HIRAWAT

RESIDENT OF M.B ROAD
KHARUPETIA
DIST DARRANG
ASSAM

5: SRI BIMAL HIRAWAT

S/O SRI FATEH CHAND HIRAWAT

RESIDENT OF M.B ROAD
KHARUPETIA
DIST DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : BINITA JAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.04.2024

1. Heard Ms. B. S. Goyal, learned counsel for the applicant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State, who has produced the case diary of Tangla P.S. Case No. 11/2024.
2. Learned counsel for the petitioner has submitted that by order dated 29.02.2024, the petitioners, namely, Jyoti Daga, Tara Devi Daga, Sri. Deepak Kumar Hirawat and Sri. Bimal Hirawat are allowed to go on interim bail and thereafter, by order dated 12.03.2024, the petitioner No.1, Sri. Krishna

Daga was also allowed to go on interim bail.

3. It is also submitted by the learned counsel for the petitioner that in pursuance to directions of this court, all the petitioners have appeared before the Investigating Officer and the cooperated in the investigation.

4. The learned Additional Public Prosecutor has also submitted that the petitioners have appeared before the Investigating Officer and their statements under Section 161 of the Code of Criminal Procedure, 1973 have been recorded.

5. Considering the fact that the petitioners have complied with the direction of this court and have cooperated in the investigation, the interim bail granted to the above named petitioners by order dated 29.02.2024, as well as 12.03.2024 are hereby made absolute.

6. Learned counsel for the petitioner has submitted that by the aforesaid orders, the petitioners were directed not to leave the jurisdiction of learned Chief Judicial Magistrate, Udalguri, without prior permission of the said court. However, it is submitted by the learned counsel for the petitioner No.1 is the student of K. C. Das Commerce College, the petitioner No.2 is the student of Guwahati Medical College and Hospital and the petitioner No.3 is the mother of the aforesaid petitioners and stay with them at Guwahati, and, therefore, learned counsel had prayed for relaxing the condition No.3 attached to the interim bail order.

7. Considering the submissions made by learned counsel, the condition No.3 attached to the interim order dated 29.02.2024 and 12.03.2024 is hereby relaxed to the extent that the applicants shall not leave the jurisdiction of the State of Assam without the leave of the learned Chief Judicial Magistrate, Udalguri, during the pendency of the investigation.

8. With above observations, this Anticipatory bail application is disposed of.

JUDGE

Comparing Assistant