

GAHC010040062024



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

Case No. : Bail Appln./625/2024

MENSING RONGPI
SON OF LATE SARTHE RONGPI, RESIDENT OF VILLAGE- ZIRIKINDING
RONGPI GAON, P.S. ZIRINKINDING, DIST.- WEST KARBI ANGLONG,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R BORA

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. R. Bora, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for release on regular bail of the accused petitioner, i.e. Mensing Rongpi, who was arrested on 15.12.2023, in connection with Zirikinding P.S. Case No. 17/2023, registered under Section 302/201/34 of the IPC.

The case of the prosecution is that on 15.12.2023, the complainant lodged an FIR, *inter-alia* alleging that on 13.12.2023, at around 2:00 PM, the victim, i.e. the father of the informant went to Zirikinding market, wherein the victim met one Rajen Hanse and thereafter, while returning home, the said Rajen Hanse and victim drank together at the residence of one person, where after, an altercation between them took place, wherein, Rajen Hanse had physically assaulted the victim causing serious injuries.

It is further alleged that by taking the help of the petitioner, he hid the victim in a nearby jungle.

It is further case of the prosecution that on the next day, the petitioner noticed the victim, who was injured and took him to a hospital in his auto. However, the victim passed away at 9:41 PM. Accordingly, a case was registered.

Mr. R. Bora, learned counsel for the petitioner submits that on 13.12.2023, the deceased and Rajen Hanse were drinking liquor at the residence of one Uttam Phangcho and thereafter, there was a physical altercation.

The petitioner, who was driving his auto towards his home, notice that an altercation and stopped his auto in front of the residence and tried to stop the altercation and made both of them understand. Thereafter, he left the residence of Uttam Phangcho and moved towards his residence as it was already dark. On the next day, when he was going towards market in is auto, he saw the victim in

an injured state near the jungle and immediately, took the alleged victim to hospital in his auto. However, by the time, they reached the hospital, the victim was declared dead.

Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, on the other hand, opposes the prayer for bail. He submits on the basis of the materials available on record that the petitioner has helped the accused Rajen Hanse to hide the injured deceased. He further submits that in the meantime charge-sheeted has been submitted vide C.S. No. 120/2024 dated 08.03.2024.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the petitioner has been languishing in jail since last 87 days.

It further appears that the investigation has been completed.

Considering the length of detention, this court is of the considered view that further detention of the petitioner is not justified.

Accordingly it is, provided that the accused petitioner named above, shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, West Karbi Anglong, Hamren, subject to the conditions that:-

(i) the accused petitioner shall appear before the trial court on all dates; and

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant