

GAHC010043482024



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

Case No. : Bail Appln./632/2024

JITU BAISHYA
S/O- SRI DINESH BAISHYA, R/O- VILL.- JOWARDI, BESIMARI, NEAR SHIV
MANDIR, P.O. KOITHALKUCHI, P.S. BELSOR, DIST. NALBARI, ASSAM, PIN-
781370.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SANKAR DEV ROY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

22.03.2024

Heard Mr. S.D. Roy, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam for the State respondent.

This is an application under Section 439 Cr.P.C. praying for granting bail to the petitioner, namely, **Sri Jitu Baishya**, who was arrested on 08.02.2024 in connection with **Dispur Police Station Case No.103/2024** registered under

Section 325 IPC with added section 304/34 IPC corresponding to G.R. Case No.663/2024.

The case of the prosecution is that the informant on 06.02.2024 lodged an FIR alleging *inter alia* that last night at about 10 P.M., her son was assaulted in his head by one unknown guy on the foot path in front of Vishal Market at Ganeshguri. The son of the informant sustained grievous injuries and subsequently, he succumbed to his injuries. Accordingly, a case was registered.

Mr. S.D. Roy, learned counsel for the petitioner submits that the petitioner is totally innocent and he has been falsely implicated in the case.

Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam fairly submits that the materials so far collected by the Investigating Officer reveal that one Sanjib Barman had assaulted the deceased.

I have considered the submissions made at the Bar and perused the materials available on the record.

It appears that the investigation has substantially progressed and the petitioner has already been interrogated. It also appears that, as of now, there is no material collected by the Investigating Officer to indicate that the petitioner had assaulted the deceased. It further appears that the petitioner has been languishing in jail since last 43 days.

As such, this Court is of the considered view that further detention of the petitioner is not justified for the ongoing investigation.

Considering the facts and circumstances of the case, it is provided that the petitioner named above shall be released on bail in connection with the aforementioned police station case on furnishing a bail bond of **Rs.20,000/- (Rupees Twenty Thousand) only** with one surety of the like amount to the

satisfaction of the learned **Chief Judicial Magistrate, Kamrup (Metro)** subject to the following conditions:-

i) that the petitioner shall co-operate with the investigation of the case;

ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and

iii) that the petitioner shall refrain from such activities with which he is alleged, failing which, the bail order shall stand cancelled.

With the aforesaid observations and directions, this bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant