

GAHC010044922024



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

Case No. : Bail Appln./611/2024

LAKHYANATH PANGING @ BARMA
S/O LATE KHAGEN PANGING
R/O VILL- UKHAMATI
P.S. GOGAMUKH
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.03.2024

Heard Mr. H. Ali, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, 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/petitioner namely Lakhyanath Panging @ Barma who has been languishing

in jail hazot in connection with Sessions (DH) Case No.28/2019 under Sections 417/376/506 IPC.

It is submitted by the learned counsel for the petitioner that he was regularly appearing before the learned Sessions Judge, Dhemaji till 04.07.2023 and charge was already framed on 28.08.2019. However till date no witness could be examined by the prosecution. On 22.08.2023 he could not appear before the Court below due to his illness and on the next date i.e. 02.11.2023, one petition was filed on his behalf stating the ground of illness for his absence. But the learned Sessions Judge had rejected the petition and issued NBWA against him. On 22.12.2023 the present accused petitioner surrendered himself before the Court below with a petition to consider his prayer for bail which was rejected and since then he is in custody.

Learned counsel for the petitioner further submits that he was regularly appearing before the learned Court below since 4/5 years and on his failure to appear before the Court below in two occasions, NBWA was issued and after his surrender, he was put behind the bar since 22.12.2023. However, he is ready to contest the case and will appear regularly before the Court, if his prayer for bail is considered.

In this connection, learned Additional Public Prosecutor has submitted that from the scan copy of the LCR also it reveals that the accused petitioner was regularly appearing before the Court below, but due to his default on two occasions, the NBWA was issued and he is behind the bar since 97 days.

I have heard the submissions made by the learned counsel for both sides.

Considering the previous conduct of the accused petitioner and the period of detention already undergone by the accused petitioner, I find that further custodial detention of the petitioner is not required in the present case and accordingly I find it a fit case to grant the privilege of bail to the petitioner.

In view of the above, it is provided that the accused petitioner namely Lakhyanath Panging @ Barma will be allowed to go on bail on furnishing a bail bond of Rs.20,000/- with one surety of the like amount to the satisfaction of the learned Sessions Judge, Dhemaji subject to the following condition:-

- i. 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
- ii. that the petitioner shall not leave the jurisdiction of the learned Sessions Judge, Dhemaji, without prior permission.

Further the learned Sessions Judge is directed to expedite the trial of the case as even after lapse of four/five years, no prosecution witnesses are being examined till date.

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

JUDGE

Comparing Assistant