

GAHC010046152024



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

Case No. : Bail Appln./619/2024

RAJAT SINGH
S/O SRI UDAY SINGH
R/O 6TH APBN KATHAL BAGAN
P.O. CHITTARANJAN AVENUE
S.O. (CACHAR), P.S. SILCHAR
DIST. CACHAR, ASSAM
PIN-788012

2: SRI RUHIT SINGH
S/O SRI RAMESHWAR SINGH
R/O 6TH APBN KATHAL BAGAN
P.O. CHITTARANJAN AVENUE
S.O. (CACHAR)
P.S. SILCHAR
DIST. CACHAR
ASSAM
PIN-78801

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 04.03.2024

Heard Mr. P.K. Deka, learned counsel for the accused and A. Begum, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the two accused, namely, Rajat Singh and Ruhit Singh, who have been languishing in jail hazot in connection with Silchar P.S. Case No. 110/2024, under Sections 341/352/353/332/34 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Bahar Uddin Choudhury on 01.02.2024. The essence of allegation made in the FIR dated 01.02.2024, is that on that day, at about 2:30 p.m., while the informant was attending official duty and taking back the son of Addl. District and Sessions Judge, Cachar, Silchar, from Delhi Public School to the residence, then two culprits who were following them in an Alto car, bearing Registration No. AS-11J-1263, restrained them by blocking the road by placing their car in front of their car, and thereafter, they assaulted the informant and also tried to snatch away his ammunition.

4. Mr. Deka, the learned counsel for the accused submits that the accused were arrested on 02.02.2024 and since then, they have been languishing in jail hazot for last 32 days, and that the offence is not so serious, and their custodial detention may not be required and therefore, it is contended to allow the petition.

5. On the other hand, Ms. A. Begum, learned Addl. Public Prosecutor submits that at this stage, only the case diary may be called for.

6. Having heard the submission of learned Advocates of both side, I have carefully gone through the petition and the documents placed on record.
7. It appears that the accused were arrested on 02.02.2024 and since then, they have been languishing in jail hazot for last 32 days. Having regards to the above and also having regards to the nature and gravity of the offence as well as the submission of learned Advocates of both sides, further custodial detention of the accused seems to be unwarranted here in this case and therefore, this Court is inclined to allow the petition.
8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each with one surety of like amount, to the satisfaction of the learned CJM, Cachar, Silchar, the accused be enlarged on bail.
9. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant