

GAHC010048682024



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

Case No. : Bail Appln./703/2024

PRAFULLYA KACHARI
S/O NABA KACHARI, R/O SHALMARI, P.S.-DHEMJAI, DIST-DHEMAJI,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR K THAKUR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

01.04.2024

Heard Mr. K. Thakur, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot in connection with Pragjyotishpur P. S. Case No.18/2024 registered under Section 306/34 of the Indian Penal Code.

It is submitted by the learned counsel for the accused/petitioner, Mr. Thakur that the accused is in judicial custody since 30.01.2024. Accordingly, it is submitted that the accused/petitioner has already completed his statutory period in custody and thus, considering his length of detention undergone by the accused/petitioner, he may be enlarged on bail.

In this context, the learned Additional Public Prosecutor, Mr. Das, has submitted that there are sufficient incriminating materials available in the Case Diary against the present accused/petitioner. However, considering his length of detention, the prayer made by the learned counsel for the petitioner may be considered.

After hearing the submissions made by the learned counsels for both sides and also on perusal of the Case Diary, it is seen that the accused/petitioner was also under police remand for 3 days prior to judicial custody. However, it cannot be denied that the accused is in custody since 30.01.2024 in connection with the present case. Thus, it is seen that the I.O. got ample opportunity to interrogate the accused keeping him

in custody for a considerable period. So, considering the entire aspect of the case and also considering the length of detention undergone by the accused/petitioner, I find that further custodial detention of the accused/petitioner, in the interest of investigation, seems to be unwarranted here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused/petitioner, namely, Prafulla Kachari, be enlarge on bail.

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

JUDGE

Comparing Assistant