

GAHC010048842024



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

Case No. : Bail Appln./682/2024

MRINAL MEDHI
SON OF JITENDRA KUMAR MEDHI , RESIDENT OF HOUSE NO . 117, NEAR
UNION BANK OF INDIA , BELTOLA, BASISTHA CHARIALI, P.S. BASISTHA
DISTRICT- KAMRUP (METRO), ASSAM, PIN - 781029.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

07.03.2024

Heard Mr. B.K. Mahajan, learned counsel for the petitioner. Also heard Mr. D. Das, 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. Mrinal

Medhi, who has been arrested on 03.03.2024, in connection with Basistha P.S. Case No. 845/2023, registered under Section 294 /323 /326 /384 /427 /506 /34 of the IPC.

The case of the prosecution is that on 29.12.2023, the informant lodged an FIR before the Officer-In-Charge of the jurisdictional Police Station, alleging *inter-alia* that on 28.12.2023, at around 10:30 PM, the informant and one of his friend, namely, Pulin Deka, after completion of their duties went out to have their dinner in Suresh Dhaba, situated at Basistha Balughat and while the informant went to a darker place for urination, three boys came there and started to beat both the informant and his friend and caused severe head injuries upon the informant and also threatened them with dire consequences.

It is further alleged that the accused persons also snatched away gold chain of the informant and broke the mobile hand set of both the informant and his friend.

Mr. B.K. Mahajan, learned counsel for the petitioner submits that there was an altercation between the petitioner and the informant's side and in the ensuing scuffle, the informant suffered injury. He further submits that the ingredients of Section 326 IPC are not attracted.

On the other hand, Mr. D. Das, learned Additional Public Prosecutor, Assam strongly opposes the prayer for bail.

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

It appears from the injury report available in the case diary that the injury sustained by the informant is of multiple small lacerated wounds in the head. It further appears that the investigation has progressed.

Considering the totality of the circumstances, 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/- only with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, subject to the following conditions that:-

- (i) the accused petitioner shall co-operate in the investigation and shall appear before the Investigating Officer as and when so required ;
- (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; and
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

Return the case diary.

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

JUDGE

Comparing Assistant