

GAHC010050302024



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

Case No. : Bail Appln./694/2024

MUNIN BARMAN @ MOON BARMAN
SON OF LT. PULIN BARMAN RESIDENT OF H/NO- 69, DGM ROAD,
DAKSHIN GAON, KAHILIPARA P.S. DISPUR, DISTRICT - KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF
ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

18.03.2024

1. Heard Mr. D. Medhi, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P. for the State respondent.

2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, **Munin Barman @ Moon Barman**, who was arrested on 01.03.2024 in connection with **Dispur P.S. Case No. 165/2024**, registered under Sections **294/313/323/325/34/448 IPC**.

3. The case of the prosecution in brief is that on 29.02.2024, an FIR was lodged alleging that on 28.02.2024, an argument took place between the husband of the victim and a boy named Vicky Kalita, who was residing at rent house in the same compound. It is further alleged that the owner of the rented house, i.e. Basumati Burman, and the owner's son Munin Burman @ Moon (petitioner herein) entered the room and started beating the victim and her husband without knowing anything for which the victim fall down on the ground and suffered injuries.

4. Mr. D. Medhi, learned counsel for the petitioner submits that the petitioner is totally innocent. He further submits that the petitioner is not involved in the offence alleged.

5. Mr. K.K. Parasar, learned Addl. P.P. for the State respondents fairly submits that it appears from the materials collected by the Investigating Officer that while there was a scuffle between the victim husband and one boy named, Vicky Kalita, the petitioner when went to stop them, accidentally, the victim got hurt. He further submits that the petitioner's statement has already been recorded under Section 161 Cr.P.C and that the statements of other witnesses have also been recorded.

6. I heard the submission made at the Bar and I have perused the materials available on record.

7. It appears that the investigation has substantially progressed. It appears

from the materials available on record that the petitioner while tried to stop the scuffle which was going on between the husband of the victim and one boy, accidentally, the victim got hurt.

8. 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 above noted case on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand) only** with one surety of like amount to the satisfaction of the learned **CJM, Kamrup (M), Guwahati**.

9. The bail granted to the petitioner shall be subject to the following conditions-

- i) The petitioner shall co-operate with the investigation,
- ii) 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) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

10. With the above observation, this bail application stands allowed.

11. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant