

GAHC010050402024



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

Case No. : Bail Appln./696/2024

UTJAL BEZBARUAH @ UJJAL
SO LT. MONNU BEZBARUAH ALIAS MONO, R/O SAGARKUCHI, P.S.
GHAGRAPAR, DIST. NALBARI, ASSAM, PIN 781369

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS M BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27.03.2024

Heard Ms. M. Borah, learned counsel for the petitioner. Also heard Mr. P. Borthakur, 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, who has been arrested in connection with Tezpur P.S. Case No. 2217/2020, under Section 302 of the Indian Penal Code, corresponding to G.R. No. 3596/2020.

Scanned copy of the case record has already been received. Perused the same. Heard both sides.

It is submitted by Ms. M. Borah, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has not committed any such offence as alleged in the F.I.R. Further she submitted that the accused is behind the bar since 05.12.2020 and already 27 numbers of prosecution witnesses have been examined by the learned Court below and hence, at this stage, there is no question of hampering or tampering the other prosecution witnesses. Thus, considering this aspect of the case as well as the period of detention, the accused/petitioner may be released on bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that this is a very sensational case where 2 (two) elderly persons were brutally murdered by the present accused/petitioner along with the co-accused persons, as per the allegation. He further submitted that out of 33 numbers of prosecution witnesses, 27 numbers of witnesses are already been examined and thus, the accused/petitioner may file an appropriate application for expeditious disposal of the present case before the learned Court below. Further, if the accused/ petitioner is enlarged on bail, the probability of absconding of present accused/petitioner cannot be denied at this stage.

Considering the submissions made by the learned counsels for both sides and also considering the evidence on record and the gravity of offence, I find that the probability of absconding of the present accused/petitioner cannot be denied at this stage if he is enlarged on bail and in the same time, it is seen that out of 33 numbers of witnesses, 27 numbers of witnesses are already been examined by the learned Court below and thus, the early disposal of the case can also be expected.

In view of above facts and circumstances of this case, I find it not a fit case to extend the privilege of bail to the accused/petitioner at this stage and accordingly, the same stands rejected. However, the learned Sessions Additional Sessions Judge, FTC, Sonitpur, Tezpur is hereby directed to dispose of the matter as expeditiously as possible by recording the remaining witnesses.

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

JUDGE

Comparing Assistant