

GAHC010052362024



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

Case No. : AB/653/2024

KANJIT KALITA
S/O KRISHNA KALITA
VILL- ARANGMOW, NALBARI
P.S. NALBARI
DIST. NALBARI, ASSAM
PIN-781347

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

22.03.2024

Heard Ms. T. Som, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting anticipatory bail to the petitioner, namely **Kanjit Kalita**, in connection with **Nalbari P.S. Case No. 32/2024**, registered under Sections **120(B)/143/144/341/326/307/436/353/ 427** of the Indian Penal Code, 1860.

3. The case of the prosecution in brief is that on 30.01.2024, four persons who were sitting inside the car were badly assaulted by the villagers with bamboo stick and lathi with intension of killing them in suspect of cow theft. It is further alleged that the police personnel were also attacked and the Government vehicle was damaged.

4. Ms. T. Som, learned counsel for the petitioner submits that though the petitioner was present in the place of occurrence and participated in the alleged offence, however, he did it at the instigation of other co-accused. She further submits that he is willing to be a state witness.

5. Mr. D. Das, learned Addl. P.P. on the other hand submits that the materials available in the case diary indicates that the petitioner has actively participated in the offence alleged. He further submits that there are statements of witnesses recorded under Section 161 Cr.P.C. by the Investigating Officer, who had stated that it is the petitioner who has assaulted the victim's and put the their vehicle on fire. He further submits that there are more people involved in the alleged offence. However, they are all absconding.

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

7. It appears from the materials available on record that the petitioner has actively participated in the alleged offence. It further appears that the petitioner

along with other accused is absconding and has not participated in the ongoing investigation. It further appears that in order to unearth truth, the custodial interrogation of the petitioner is utmost essential.

8. As such, the prayer for anticipatory bail stands rejected.

9. With the aforesaid observation and direction, this anticipatory bail application stands disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant