

GAHC010053742024



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

Case No. : Bail Appln./780/2024

RUMI NAYAK
W/O BHABESH MEDHI
R/O VILL- BARTALA, P.O. BARTALA
P.S. MUKALMUA, DIST. NALBARI, ASSAM, PIN-781138

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

28.03.2024

Heard Mr. M.K. Hussain, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, for the State respondents.

2. This is an application under Section 439 of Code of Criminal Procedure, 1973 for granting bail to the petitioner i.e. Rumi Nayak, who was arrested on 29.02.2024 in connection with Chandmari Police Station Case No.48/2024 registered under Sections 120(B)/143/384/354(A)/354(C)/ 506 IPC.

3. The case of the prosecution is that on 27.02.2024, an F.I.R was lodged alleging inter-alia that on 21.02.2024, a group of 15 to 16 persons with cameras entered into the informant's business place i.e. a parlour situated at Rajgarh and captured videos bringing allegations of illegal activities and abused an employee of the parlour and thereafter, demanded Rs. 3,00,000/- by threatening with the captured videos.

4. Mr. M.K. Hussain, learned counsel for the petitioner submits that the allegations are totally false and the petitioner has been wrongly implicated in the offence alleged.

5. Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondents on the other hand strongly opposes the prayer for bail. He submits that the investigation is going on and the statements of the witnesses have been recorded. He further submits that one of the witnesses have implicated

that one lady had demanded money. However, the identity of the lady is not revealed as of now. He further submits that on the basis of the aforesaid statements of the witnesses, the petitioner and the other accused persons have been arrested.

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

7. It appears that the investigation has substantially progressed. It further appears that the statements of the victim have already been recorded. It also appears that the petitioner has also been interrogated on the date of arrest i.e. on 29.02.2024. It further appears that based on the statements of the witnesses to the effect that one lady whose identity is not known, the petitioner has been suspected for the offence alleged. It further appears that the petitioner has been languishing in jail since last 28 days.

8. Considering the above facts and circumstances, this Court is of the considered view that further detention of the petitioner may not be justified for the ongoing investigation.

9. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case, on furnishing a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation;
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or

to any Police Officer; and

(iii) The petitioner shall refrain from committing any similar offences in future of which she is accused or suspected of commission.

6. With the above observations and directions, the bail application stands disposed of.

JUDGE

Comparing Assistant