

GAHC010054992024



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

Case No. : Bail Appln./760/2024

SAILENDRA NATH DAS AND ANR.
S/O DIBAKAR DAS
PERMANENT RESIDENT OF VILLAGE UPARNOI , P.S. PATHSALA DISTRICT
BAJALI , ASSAM

2: PRAKASH KALITA
SON OF LATE KHAGENDRA KALITA PERMANENT RESIDENT OF PUB
RIHABARI
P.S. PATACHARKUCHI
DISTRICT BAJALI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

13.03.2024

Heard Mr. S. Bora, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam.

This is an application under Section 439 of the Cr.PC, 1973 for granting regular bail to the petitioners, i.e., Sri Sailendra Nath Das and Sri Prakash Kalita in connection with Pathsala P.S. Case No. 15/2024 registered under Sections 120B/409/468/471 of IPC.

The case of the prosecution is that an FIR was lodged on 08.02.2024 inter alia alleging that upon verification, it is found that when only 16 Command Certificates are issued by the Commandant, Home Guard, Urban Wing, Barpeta, 63 numbers of Command Certificates of Home Guard Volunteers were received at Police Reserve Office, Bajali. Accordingly, a case was registered.

Mr. S. Bora, learned counsel for the petitioners submits that the petitioners are languishing in jail since last 33 days. He submits that the statements of the petitioners have already been recorded under Section 161 Cr.PC and the investigation appears to have been completed. He further submits that the petitioners are not involved in the offence alleged and only on suspicion, they have been arrested.

Mr. K.K. Parashar, learned Addl. P.P on the other hand strongly opposes

the prayer for bail. He submits that there are materials available on record implicating the petitioners for the alleged offence.

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

It appears that the petitioners have thoroughly interrogated and their statements were also recorded.

Considering the length of detention and the entire aspects of the matter, this Court is inclined to grant regular bail to the petitioners.

Accordingly, it is provided that the petitioners named above shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- each with one surety of like amount to the satisfaction of the learned CJM, Bajali, Pathsala, subject to the following conditions:-

- (i) That the petitioners shall co-operate with the investigation.
- (ii) That the petitioners 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 them from disclosing such facts to the Court or to any Police Officer; and
- (iii) That the petitioners shall refrain from committing any similar offences in future of which they are accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

JUDGE

Comparing Assistant