

GAHC010060092024



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

Case No. : Bail Appln./889/2024

MRIGEN GOGOI
S/O LATE MRIDUL KUMAR GOGOI, R/O KRISHNA NAGAR, SILPUTA, NEAR
RAJOHUWA SHIVA MANDIR, JAPORIGOG, P.S.-DISPUR, KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

09.04.2024

- 1.** Heard Mr. A. Deka, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.
- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Mrigen Gogoi, who has been

detained behind the bars since 24.02.2024 in connection with Dispur P.S. Case No. 151/2024, under Section 341/323/379/384/325/34 of the Indian Penal Code.

3. The gist of accusation in this case is that on 19.02.2024, one Rakesh Mahato, lodged an FIR before the Officer-In-Charge of Dispur Police Station, *inter-alia*, alleging that on 17.02.2024, while he was coming towards his house in his three-wheeler pull car, two miscreants introduced themselves as police personnels have snatched Rs. 2,700/- from his hands and also assaulted him.

4. Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars since last 45 days and also considering the period of detention already undergone by the petitioner, he may be allowed to go on bail.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary and has submitted that there are incriminating materials against the present petitioner in the case diary. In the instant case, however, he has also stated that investigation has fairly progressed.

6. I have considered the submissions made by the learned counsel for both the parties and have perused the materials available on record, including the case diary of Dispur P.S. Case No. 151/2024.

7. Considering the fact that the investigation has fairly progressed as well as considering the period of detention already undergone by the petitioner, (45 days) his further custodial detention does not appears to be necessary for fair completion of investigation of Dispur P.S. Case No. 151/2024.

8. In view of above, the above named petitioner, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), with following

conditions that:-

- (i) the petitioner shall co-operate in the investigation; and
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

- 9. With the above observations, this bail application is hereby disposed of.
- 10. Send back the case diary.

JUDGE

Comparing Assistant