

GAHC010064922024



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

Case No. : Bail Appln./942/2024

AMAR DEKA
SON OF DHRUBA RAM DEKA, P.S. SONAPUR, DIST. KAMRUP (METRO),
PIN-782041

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.05.2024

Heard Mr. P.K. Das, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, 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, Amar Deka who has been languishing in jail hazot in connection with Sonapur P.S. Case No. 20/2024 under Section 302 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that he is innocent and in no way

connected in the alleged offence. He further submits that the accused is behind the bar since 88 days, hence, considering his length of detention, he may be enlarged on bail.

In this regard, learned Additional Public Prosecutor has submitted that the case diary is available, but the FSL report has not yet collected by the I/O. However, he submits that the PM report reveals that there are several injuries on the leg, thigh, wrist joint etc of the body of the deceased. As the FSL has not yet received, the opinion for death could not be ascertained by the doctor till date. However, he submits that there is no note from the I/O as to whether the charge-sheet will be filed within a short time or within the statutory period.

Considering the submissions made by the learned counsel for both sides and considering the materials available in the case diary and also the period of detention undergone by the petitioner vis-à-vis the progress of investigation, I find that further custodial detention of the accused petitioner may not be required for the purpose of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused/petitioner, named above be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (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 them from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), without prior permission.

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

JUDGE

Comparing Assistant