

GAHC010069272024



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

Case No. : Bail Appln./985/2024

RAJU RAJBANGSHI
S/O SAROT CH. RAJBANGSHI
R/O VILL AND P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

05.04.2024

- 1.** Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Ms. A. Begum, 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, Raju Rajbangshi, who has been

detained behind the bars since 22.01.2024 in connection with G.R. Case No. 806/2017, arising out of Bihpuria P.S. Case No. 250/2017 pending before the court of learned Sub-Divisional Judicial Magistrate (S), Lakhimpur, North Lakhimpur, Assam.

3. It is submitted by the learned counsel for the petitioner that earlier the petitioner was on bail, however, he could not appear before the trial court on the ground of illness, and thereafter, trial court issued non-bailable warrant of arrest and on the strength of non-bailable warrant of arrest, the petitioner was arrested on 22.01.2024. On 11.03.2024, the petitioner had moved an application for bail before the trial court, however, same was rejected owing to his past conduct and considering the fact that sufficient delay was caused due to the absence of the present petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner could not attend the court on earlier occasions owing to the ailment of his mother and now he is behind the bars since 22.01.2024 and charges are yet to be framed.

5. It is submitted by the learned counsel for the petitioner that the petitioner would co-operate in the trial and as he is the sole bread earner of the family, his detention has caused immense hardship to his family members.

6. On the other hand, learned Additional Public Prosecutor objected to the said prayer.

7. I have considered the submissions made by the learned counsel for both the parties as well as perused the materials available on record. Though the conduct of the present petitioner in past is not encouraging, however, considering the fact that he has been detained behind the bars since 22.01.2024 and charges are yet to be framed and also considering the

submissions made by the learned counsel for the petitioner that the petitioner is the sole bread earner of the family and he is ready to co-operate in his trial, the above named petitioner allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount, subject to the satisfaction of the learned Sub-Divisional Judicial Magistrate (S), Lakhimpur, North Lakhimpur, with following conditions that:-

- (i) the petitioner shall co-operate in his trial and shall regularly appear before the trial court as and when so required;
- (ii) any default by him this time would be a good ground for cancellation of bail granted to him.

8. With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant