

GAHC010071482024



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

Case No. : Bail Appln./1000/2024

TARUN BHUYAN
S/O LATE MATIA BHUYAN
R/O VILL- MALIJAN TEA ESTATE
P.S. TEZPUR,
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

05.04.2024

Heard Mr. S. C. Biswas, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 13.03.2024 in connection with Tezpur P. S. Case No.1121/2019 registered under Section 371 of the Indian Penal Code [P.R.

Case No.1759/2019] corresponding to Sessions Case No.55/2024 which is pending before the Court of learned Additional Sessions Judge, Sonitpur, Tezpur.

It is submitted by the learned counsel for the petitioner, Mr. Biswas that coming to know about the issuance of NBWA, the present petitioner appeared before this Court and vide order dated 04.03.2024 passed in Criminal Petition No.232/2024, the present petitioner was granted interim protection for 10 days with a direction to appear before the learned Trial Court with an appropriate application for bail. Vide the said order, this Court also suspended the order dated 08.01.2024 passed by the learned Additional Chief Judicial Magistrate, Sonitpur, Tezpur in PR Case No.1759/2019. But, on his appearance, before the Court learned Additional Sessions Judge (FTC), Sonitpur, Tezpur, his prayer for bail was rejected vide order dated 20.03.2024 in Sessions Case No.55/2024 and thereafter, he was sent in the judicial custody. He further submitted that no summon was served on him as he was in Haryana at the time of proceeding and he was not aware about the pendency of this case. Accordingly, he submits that the petitioner will appear before the learned Court below on each and every date fixed, if he is enlarged on bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that the learned Additional Sessions Judge (FTC), Sonitpur, Tezpur has committed no error or mistake while passing the order dated 20.03.2024; as the said Court passed the order after considering the conduct of the accused petitioner who was shown as absconder in the charge-sheet.

Considering the submissions of learned counsels for both sides and also considering the fact that the accused appeared before this Court after getting the information about the issuance of NBWA as well as the length of detention

already undergone by the accused/petitioner, I find it appropriate to allow the accused/petitioner to go on bail.

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 Additional Sessions Judge (FTC), Sonitpur, Tezpur, the accused/petitioner, namely Sri Tarun Bhuyan, be enlarged on bail, subject to the following conditions:

- (i) 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
- (ii) that the petitioner shall not leave the jurisdiction of the learned Additional Sessions Judge (FTC), Sonitpur, Tezpur, without prior permission.

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

JUDGE

Comparing Assistant